

THE
ACTS OF ASSEMBLY
OF THE
PROVINCE
OF
PENNSYLVANIA,

Carefully compared with the ORIGINALS.

AND AN
APPENDIX,
Containing such ACTS, and Parts of ACTS, relating to
PROPERTY, as are expired, altered or repealed.

TOGETHER WITH

The ROYAL, PROPRIETARY, CITY and BOROUGH CHARTERS;
and the ORIGINAL CONCESSIONS of the HONOURABLE
WILLIAM PENN to the FIRST SETTLERS of the PROVINCE.

PUBLISHED BY ORDER OF ASSEMBLY.



PHILADELPHIA:

Printed and Sold by HALL and SELLERS, in MARKET-STREET, between
FRONT and SECOND-STREETS. MDCCLXXV.

T H E R O Y A L C H A R T E R

Granted to *W I L L I A M P E N N*, Esq;

PROPRIETARY and GOVERNOR of PENNSYLVANIA.

CHARLES the Second, by the Grace of GOD, King of *England, Scotland, France and Ireland*, Preamble.
Defender of the Faith, &c. To all to whom these Presents shall come, Greeting :

WHEREAS Our Trusty and Well-beloved Subject *WILLIAM PENN*, Esq; Son and Heir of Sir *WILLIAM PENN* deceased (out of a commendable Desire to enlarge Our *English* Empire, and promote such useful Commodities as may be of Benefit to Us and Our Dominions, as also to reduce the savage Natives by gentle and just Manners to the Love of Civil Society and Christian Religion) hath humbly besought Leave of Us to transport an ample Colony unto a certain Country herein after described, in the Parts of *America* not yet cultivated and planted; and hath likewise humbly besought Our Royal Majesty to give, grant, and confirm all the said Country, with certain Privileges and Jurisdictions, requisite for the good Government and Safety of the said Country and Colony, to him and his Heirs for ever :

S E C T. I.

KNOW YE THEREFORE, That We (favouring the Petition and good Purpose of the said *William Penn*, and having Regard to the Memory and Merits of his late Father in divers Services, and particularly to his Conduct, Courage and Discretion under Our dearest Brother *JAMES* Duke of *York*, in that signal Battle and Victory, fought and obtained against the *Dutch* Fleet commanded by the Heer *Van Opdam*, in the Year 1665 : In Consideration thereof, of Our special Grace, certain Knowledge, and meer Motion) have given and granted, and by this Our present Charter, for Us, Our Heirs and Successors, do give and grant unto the said *William Penn*, his Heirs and Assigns, all that Tract or Part of Land in *America*, with all the Islands therein contained, 'as the same is bounded on the East by *Delawar* River, from Twelve Miles Distance Northwards of *New-Castle* Town unto the Three and Fortieth Degree of Northern Latitude, if the said River doth extend so far Northward; but if the said River shall not extend so far Northwards, then by the said River so far as it doth extend; and from the Head of the said River the Eastern Bounds are to be determined by a Meridian Line, to be drawn from the Head of the said River unto the said Three and Fortieth Degree. The said Land to extend Westward five Degrees in Longitude, to be computed from the said Eastern Bounds; and the said Lands to be bounded on the North by the Beginning of the Three and Fortieth Degree of Northern Latitude, and on the South by a Circle drawn at twelve Miles Distance from *New-Castle* Northward and Westward, unto the Beginning of the Fortieth Degree of Northern Latitude, and then by a straight Line Westward to the Limits of Longitude abovementioned.

S E C T. II.

WE do also give and grant unto the said *William Penn*, his Heirs and Assigns, the free and undisturbed Use and Continuance in, and Passage unto and out of all and singular Ports, Harbours, Bays, Waters, Rivers, Isles and Inlets, belonging unto, or leading to and from the Country or Islands aforesaid, and all the Soils, Lands, Fields, Woods, Underwoods, Mountains, Hills, Fens, Isles, Lakes, Rivers, Waters, Rivulets, Bays and Inlets, situate or being within, or belonging unto the Limits and Bounds aforesaid, together with the Fishing of all Sorts of Fish, Whales, Sturgeon, and all Royal and other Fishes, in the Seas, Bays, Inlets, Waters or Rivers, within the Premises, and the Fish therein taken; and also all Veins, Mines and Quarries, as well discovered as not discovered, of Gold, Silver, Gems and precious Stones, and all other whatsoever, be it Stones, Metals, or of any other Thing or Matter whatsoever, found or to be found within the Country, Isles or Limits aforesaid.

S E C T. III.

AND him the said *William Penn*, his Heirs and Assigns, We do by this Our Royal Charter, for Us, Our Heirs and Successors, make, create and constitute the true and absolute Proprietaries of the Country aforesaid, and of all other the Premises: Saving always to Us, Our Heirs and Successors, the Faith and Allegiance of the said *William Penn*, his Heirs and Assigns, and of all other the Proprietaries Tenants and Inhabitants, that are or shall be within the Territories and Precincts aforesaid; and saving also unto Us, Our Heirs and Successors, the Sovereignty of the aforesaid Countries; TO HAVE, hold, possess and enjoy the said Tract of Land, Country, Isles, Inlets, and other the Premises, unto the said *William Penn*, his Heirs and Assigns, to the only proper Use and behoof of the said *William Penn*, his Heirs and Assigns, for ever, to be holden of Us, Our Heirs and Successors, Kings of *England*, as of Our Castle of *Wind-sor*, in Our County of *Berks*, in free and common Socage, by Fealty only for all Services, and not in Capite, or by Knights Service: Yielding and paying therefor to Us, Our Heirs and Successors, Two

Consideration of the Grant.

Bounds of the Grant.

Free Passage, &c. granted.

Soils, Isles, Bays, &c.

Fisheries.

Mines, Gems, &c.

William Penn, &c. made absolute Proprietary;

Saving the Faith and Allegiance of Proprietary and Inhabitants, and the Sovereignty.

To be holden in common Socage, &c.

Beaver

One Fifth of all Gold and Silver Ore reserved.

Name.

Beaver Skins, to be delivered at Our said Castle of *Windsor* on the First Day of *January* in every Year ; and also the Fifth Part of all Gold and Silver Ore which shall from Time to Time happen to be found within the Limits aforesaid, clear of all Charges. And of Our further Grace, certain knowledge, and meer Motion, We have thought fit to erect, and We do hereby erect the aforesaid Country and Islands into a Province and Seignior, and do call it *PENNSYLVANIA*, and so from henceforth We will have it called.

S E C T. IV.

Power to make Laws, &c. with the Consent of the Freemen.

Assembly.

AND soasmuch as We have hereby made and ordained the aforesaid *William Penn*, his Heirs and Assigns, the true and absolute Proprietaries of all the Lands and Dominions aforesaid, KNOW YE THEREFOR, That We (reposing special Trust and Confidence in the Fidelity, Wisdom, Justice and provident Circumspection of the said *William Penn*) for Us, Our Heirs and Successors, do grant free, full and absolute Power (by Virtue of these Presents) to him and his Heirs, to his and their Deputies and Lieutenants, for the good and happy Government of the said Country, to ordain, make and enact, and under his and their seals to publish any Laws whatsoever, for the raising of Money for the public Uses of the said Province, or for any other End, appertaining either unto the public State, Peace or Safety of the said Country, or unto the private Utility of particular Persons, according unto their best Discretion, by and with the Advice, Assent and Approbation of the Freemen of the said Country, or the greater Part of them, or of their Delegates or Deputies, whom for the enacting of the said Laws, when and as often as Need shall require, We will that the said *William Penn*, and his Heirs, shall assemble in such Sort and Form, as to him and them shall seem best, and the same Laws duly to execute, unto and upon all People within the said Country and Limits thereof.

S E C T. V.

Power to make Judges and other Officers for Probate of Wills, &c.

Power of pardoning or relieving.

What may be done by the Judges.

Obedience to the Laws enjoined.

Provido, that the Laws be not repugnant to the Laws of England.

The Hearing of Appeals reserved.

AND We do likewise give and grant unto the said *William Penn*, and his Heirs, and to his and their Deputies and Lieutenants, full Power and Authority to appoint and establish any Judges and Justices, Magistrates and other Officers whatsoever, for what Causes soever (for the Probates of Wills, and for the Granting of Administrations within the Precincts aforesaid) and with what Power soever, and in such Form as to the said *William Penn* or his Heirs shall seem most convenient : Also to remit, release, pardon, and abolish (whether before Judgment or after) all Crimes and Offences whatsoever, committed within the said Country against the said Laws (Treason and wilful and malicious Murder only excepted, and in those Cases to grant Reprieves until Our Pleasure may be known therein) and to do all and every other Thing and Things, which unto the compleat Establishment of Justice, unto Courts and Tribunals, Forms of Judicature, and Manner of Proceedings, do belong, although in these Presents expresse Mention be not made thereof; and by Judges by them delegated, to award Procefs, hold Pleas, and determine in all the said Courts and Tribunals all Actions, Suits and Causes whatsoever, as well Criminal as Civil, Personal, Real and Mixt; which Laws, so as aforesaid to be published, Our Pleasure is, and so We enjoin, require and command, shall be most absolute and available in Law; and that all the Liege People and Subjects of Us, Our Heirs and Successors, do observe and keep the same inviolably in those Parts, so far as they concern them, under the Pain therein expressed, or to be expressed. *Provided nevertheless*, That the said Laws be consonant to Reason, and be not repugnant or contrary, but (as near as conveniently may be) agreeable to the Laws, Statutes and Rights of this Our Kingdom of *England*; and saving and reserving to Us, Our Heirs and Successors, the Receiving, Hearing, and Determining of the Appeal and Appeals of all or any Person or Persons, of, in, or belonging to the Territories aforesaid, or touching any Judgment to be there made or given.

S E C T. VI.

Power to make Ordinances, on emergent Occasions.

Which shall be binding, except in Cases of Liberty and Property.

Property, &c. regulated by the Laws of England, till altered, &c.

AND soasmuch as in the Government of so great a Country, sudden Accidents do often happen, whereunto it will be necessary to apply a Remedy, before the Freeholders of the said Province, or their Delegates or Deputies, can be assembled to the making of Laws; neither will it be convenient that instantly upon every such emergent Occasion, so great a Multitude should be called together : Therefore (for the better Government of the said Country) We will and ordain, and by these Presents, for Us, Our Heirs and Successors, do grant unto the said *William Penn*, and his Heirs, by themselves or by their Magistrates and Officers, in that Behalf duly to be ordained as aforesaid, to make and constitute fit and wholesome Ordinances, from Time to Time, within the said Country to be kept and observed, as well for the preservation of the Peace, as for the better Government of the People there inhabiting; and publicly to notify the same to all Persons, whom the same doth or may any way concern. Which Ordinances, Our Will and Pleasure is, shall be observed inviolably within the said Province, under the Pains therein to be expressed, so as the said Ordinances be consonant to Reason, and be not repugnant nor contrary, but (so far as conveniently may be) agreeable with the Laws of Our Kingdom of *England*, and so as the said Ordinances be not extended in any Sort to bind, charge, or take away the Right or Interest of any Person or Persons, for or in their Life, Members, Freehold, Goods or Chattels. And Our farther Will and Pleasure is, That the Laws for Regulating and Governing of Property within the said Province, as well for the Descent and Enjoyment of Lands, as likewise for the Enjoyment and Succession of Goods and Chattels, and likewise as to Felonies, shall be and continue the same, as they shall be for the Time being by the General Course of the Law in Our Kingdom of *England*, until the said Laws shall be altered by the said *William Penn*, his Heirs or Assigns, and by the Freemen of the said Province, their Delegates or Deputies, or the greater Part of them.

S E C T. VII.

AND to the End that the said *William Penn*, or his Heirs, or other the Planters, Owners or Inhabitants of the said Province, may not at any Time hereafter (by Misconstruction of the Power aforesaid) through Inadvertency or Design, depart from that Faith and due Allegiance, which, by the Laws of this Our

Our Realm of *England*, they and all Our Subjects, in Our Dominions and Territories, always owe unto Us, Our Heirs and Successors, by Colour of any Extent or Largeness of Powers hereby given, or pretended to be given, or by Force or Colour of any Laws hereafter to be made in the said Province, by Virtue of any such Powers; Our farther Will and Pleasure is, That a Transcript or Duplicate of all Laws, which shall be so as aforesaid made and published within the said Province, shall within Five Years after the making thereof be transmitted and delivered to the Privy Council, for the Time being, of Us, Our Heirs and Successors: And if any of the said Laws, within the Space of Six Months after that they shall be so transmitted and delivered, be declared by Us, Our Heirs and Successors, in Our or Their Privy Council, inconsistent with the Sovereignty or lawful Prerogative of Us, Our Heirs or Successors, or contrary to the Faith and Allegiance due by the Legal Government of this Realm, from the said *William Penn*, or his Heirs, or of the Planters and Inhabitants of the said Province; and that thereupon any of the said Laws shall be adjudged and declared to be void by Us, Our Heirs and Successors, under Our or Their Privy Seal, that then and from thenceforth, such Laws, concerning which such Judgment and Declaration shall be made, shall become void: Otherwise the said Laws so transmitted shall remain and stand in full Force, according to the true Intent and Meaning thereof.

Duplicate of all Laws to be transmitted to the Privy-Council, within five Years;

If repealed within six Months, to be void; otherwise in Force.

S E C T. VIII.

FURTHERMORE, that this New Colony may the more happily increase, by the Multitude of People resorting thither; Therefore We, for Us, Our Heirs and Successors, do give and grant by these Presents, Power, Licence and Liberty unto all the Liege People and Subjects, both present and future, of Us, Our Heirs and Successors (excepting those who shall be especially forbidden) to transport themselves and Families unto the said Country, with such convenient Shipping as by the Laws of this Our Kingdom of *England* they ought to use, and with fitting Provision, paying only the Customs therefor due, and there to settle themselves, dwell and inhabit, and plant, for the public and their own private Advantage.

Grant of Liberty to the King's Subjects to transport themselves, &c.

S E C T. IX.

AND FURTHERMORE, that Our Subjects may be the rather encouraged to undertake this Expedition with ready and chearful Minds, KNOW YE, That We, of Our especial Grace, certain Knowledge, and meer Motion, do give and grant by Virtue of these Presents, as well unto the said *William Penn*, and his Heirs, as to all others who shall from Time to Time repair unto the said Country, with a Purpose to inhabit or trade with the Natives of the said Country, full Licence to lade and freight in any Ports whatsoever, of Us, Our Heirs and Successors, according to the Laws made or to be made within Our Kingdom of *England*, and unto the said Country, by them, their Servants or Assigns, to transport all and singular their Goods, Wares and Merchandizes, as likewise all Sorts of Grain whatsoever, and all other Things whatsoever, necessary for Food or Clothing, not prohibited by the Laws and Statutes of Our Kingdoms and Dominions to be carried out of the said Kingdoms, without any Let or Molestation of Us, Our Heirs and Successors, or of any the Officers of Us, Our Heirs and Successors; saving always to Us, Our Heirs and Successors, the legal Impositions, Customs, and other Duties and Payments, for the said Wares and Merchandize, by any Law or Statute due or to be due to Us, Our Heirs and Successors.

And their Goods, Merchandizes, &c.

Paying the Customs.

S E C T. X.

AND We do further, for Us, Our Heirs and Successors, give and grant unto the said *William Penn*, his Heirs and Assigns, free and absolute Power to divide the said Country and Islands into Towns, Hundreds and Counties, and to erect and incorporate Towns into Boroughs, and Boroughs into Cities, and to make and constitute Fairs and Markets therein, with all other convenient Privileges and Immunities, according to the Merit of the Inhabitants, and the Fitness of the Places, and to do all and every other Thing and Things touching the Premises, which to him or them shall seem meet and requisite, albeit they be such as of their own Nature might otherwise require a more especial Commandment and Warrant than in these Presents is expressed.

The Proprietor may divide the Country into Towns, Hundreds and Counties, incorporate Towns, constitute Fairs, grant Privileges, &c.

S E C T. XI.

WE will also, and by these Presents, for Us, Our Heirs and Successors, We do give and grant Licence by this Our Charter unto the said *William Penn*, his Heirs and Assigns, and to all the Inhabitants and Dwellers in the Province aforesaid, both present and to come, to import or unlade, by themselves or their Servants, Factors or Assigns, all Merchandizes and Goods whatsoever, that shall arise of the Fruits and Commodities of the said Province, either by Land or Sea, into any of the Ports of Us; Our Heirs or Successors, in Our Kingdom of *England*, and not into any other Country whatsoever: And We give him full Power to dispose of the said Goods in the said Ports; and if Need be, within One Year next after the Unlading of the same, to lade the said Merchandize and Goods again into the same or other Ships, and to transport the same into any other Countries, either of Our Dominions or foreign, according to Law; *Provided always*, that they pay such Customs and Impositions, Subsidies and Duties for the same, to Us, Our Heirs and Successors, as the rest of Our Subjects of Our Kingdom of *England*, for the Time being, shall be bound to pay, and do observe the Acts of Navigation, and other Laws in that Behalf made.

Licence granted to import the Produce of the Country into *England*;

And to export them from thence within one Year;

Paying Customs, and observing the Acts of Navigation.

S E C T. XII.

AND FURTHERMORE, of Our more ample and special Grace, certain Knowledge, and meer Motion, We do, for Us, Our Heirs and Successors, grant unto the said *William Penn*, his Heirs and Assigns, full and absolute Power and Authority to make, erect and constitute, within the said Province and the Isles and Inlets aforesaid, such and so many Sea-ports, Harbours, Creeks, Havens, Keys, and other Places, for Discharge and Unlading of Goods and Merchandizes out of the Ships, Boats and other Vessels, and landing them into such and so many Places, and with such Rights, Jurisdictions, Liberties

The Proprietary empowered to constitute Ports;

Where all Vessels must
lade and unlade,

Provido, that the Of-
ficers of the King's
Customs be admitted,

Power to the Proprie-
tary and People to affesse
Customs on Goods, &c.

Saving to the Crown
such Customs as are ap-
pointed by Act of Par-
liament.

The Proprietary shall
appoint an Attorney,
to reside in London;

To answer for any Mis-
demeanor, Default, &c.

In Case of Failure, the
Crown may resume the
Government;

But the Property of the
People shall not be af-
fected by such Resump-
tion.

No Correspondence
shall be maintained
with the Enemies of
the Crown; nor shall
War be made on any
State in Amity.

Power of a Captain-
General granted.

Power to the Proprie-
tary to alien the Pre-
mises.

erties and Privileges unto the said Ports belonging, as to him and them shall seem most expedient; and that all and singular the Ships, Boats and other Vessels, which shall come for Merchandize and Trade into the said Province, or out of the same, shall be laden or unladen only at such Ports as shall be erected and constituted by the said *William Penn*, his Heirs or Assigns, any Use, Custom, or other Thing to the contrary notwithstanding. *Provided*, that the said *William Penn*, and his Heirs, and the Lieutenants and Governors for the Time being, shall admit and receive in and about all such Havens, Ports, Creeks and Keys, all Officers and their Deputies, who shall from Time to Time be appointed for that Purpose by the Farmers or Commissioners of Our Customs for the Time being.

S E C T. XIII.

AND We do further appoint and ordain, and by these Presents, for Us, Our Heirs and Successors, We do grant unto the said *William Penn*, his Heirs and Assigns, That he, the said *William Penn*, his Heirs and Assigns, may from Time to Time for ever have and enjoy the Customs and Subsidies, in the Ports, Harbours, and other Creeks and Places aforesaid, within the Province aforesaid, payable or due for Merchandize and Wares there to be laden and unladed, the said Customs and Subsidies to be reasonably assesse upon any Occasion, by themselves and the People there as aforesaid to be assembled, to whom We give Power by these Presents, for Us, Our Heirs and Successors, upon just Cause and in a due Proportion, to assesse and impose the same; saving unto Us, Our Heirs and Successors, such Impositions and Customs, as by Act of Parliament are and shall be appointed.

S E C T. XIV.

AND it is Our farther Will and Pleasure, That the said *William Penn*, his Heirs and Assigns, shall from Time to Time constitute and appoint an Attorney or Agent, to reside in or near Our City of *London*, who shall make known the Place where he shall dwell or may be found unto the Clerks of Our Privy Council for the Time being, or one of them, and shall be ready to appear in any of Our Courts at *Westminster*, to answer for any Misdemeanor that shall be committed, or by any wilful Default or Neglect permitted by the said *William Penn*, his Heirs or Assigns, against Our Laws of Trade and Navigation; and after it shall be ascertained in any of Our said Courts what Damages We, or Our Heirs or Successors, shall have sustained by such Default or Neglect, the said *William Penn*, his Heirs or Assigns, shall pay the same within One Year after such Taxation, and Demand thereof from such Attorney: Or in case there shall be no such Attorney, by the Space of One Year, or such Attorney shall not make Payment of such Damages within the Space of a Year, and answer such other Forfeitures and Penalties within the said Time, as by Acts of Parliament in *England* are and shall be provided, according to the true Intent and Meaning of these Presents, then it shall be lawful for Us, Our Heirs and Successors, to seize and resume the Government of the said Province or Country, and the same to retain until Payment shall be made thereof: But notwithstanding any such Seizure or Resumption of the Government, nothing concerning the Propriety or Ownership of any Lands, Tenements, or other Hereditaments, or Goods or Chattels of any of the Adventurers, Planters or Owners, other than the respective Offenders there, shall any ways be affected or molested thereby.

S E C T. XV.

PROVIDED always, and Our Will and Pleasure is, That neither the said *William Penn*, nor his Heirs, or any other the Inhabitants of the said Province, shall at any Time hereafter have or maintain any Correspondence with any other King, Prince or State, or with any of their Subjects, who shall then be in War against Us, Our Heirs and Successors; nor shall the said *William Penn*, or his Heirs, or any other the Inhabitants of the said Province, make War, or do any Act of Hostility against any other King, Prince or State, or any of their Subjects, who shall then be in League or Amity with Us, Our Heirs or Successors.

S E C T. XVI.

AND because in so remote a Country, and situate near many barbarous Nations, the Incurfions as well of the Savages themselves, as of other Enemies, Pirates and Robbers, may probably be feared; Therefore We have given, and for Us, Our Heirs and Successors, do give Power by these Presents unto the said *William Penn*, his Heirs and Assigns, by themselves or their Captains, or other their Officers, to levy, muster and train all Sorts of Men, of what Condition soever, or wheresoever born, in the said Province of *Pennsylvania*, for the Time being, and to make War, and to pursue the Enemies and Robbers aforesaid, as well by Sea as by Land, and yea even without the Limits of the said Province, and by God's Assistance to vanquish and take them, and being taken to put them to Death by the Law of War, or to save them, at their Pleasure, and to do all and every other Thing which unto the Charge and Office of a Captain-General of an Army belongeth or hath accustomed to belong, as fully and freely as any Captain-General of an Army hath ever had the same.

S E C T. XVII.

AND FURTHERMORE, of Our especial Grace, and of Our certain Knowledge and meer Motion, We have given and granted, and by these Presents, for Us, Our Heirs and Successors, do give and grant unto the said *William Penn*, his Heirs and Assigns, full and absolute Power, Licence and Authority, that he, the said *William Penn*, his Heirs and Assigns, from Time to Time hereafter for ever, at his or their Will or Pleasure, may assign, alien, grant, demise, or enfeoff of the Premises so many and such Parts and Parcels to him or them that shall be willing to purchase the same, as they shall think fit, to have and to hold to them, the said Person or Persons willing to take or purchase, their Heirs and Assigns, in Fee-simple or Fee-tail, or for the Term of Life, Lives or Years, to be held of the said *William Penn*, his Heirs and Assigns, as of the said Seignior of *Windsor*, by such Services, Customs and Rents, as shall seem fit to the said *William Penn*, his Heirs and Assigns, and not immediately of Us, Our Heirs or Successors.

S E C T

S E C T. XVIII.

AND to the same Person or Persons, and to all and every of them, We do give and grant by these Presents, for Us, Our Heirs and Successors, Licence, Authority and Power, that such Person or Persons may take the Premises, or any Parcel thereof, of the aforesaid *William Penn*, his Heirs or Assigns, and the same hold to themselves, their Heirs and Assigns, in what Estate of Inheritance soever, in Fee-simple or in Fee-tail, or otherwise, as to him, the said *William Penn*, his Heirs and Assigns, shall seem expedient: The Statute made in the Parliament of *EDWARD*, Son of King *HENRY*, late King of *England*, Our Predecessor (commonly called *The Statute QUIA EMPTORES TERRARUM*, lately published in Our Kingdom of *England*) in anywise notwithstanding.

Power to the Purchasers to hold by the Proprietary's Grants.

S E C T. XIX.

AND by these Presents We give and grant Licence unto the said *William Penn*, and his Heirs, likewise to all and every such Person and Persons to whom the said *William Penn*, or his Heirs, shall at any Time hereafter grant any Estate of Inheritance as aforesaid, to erect any Parcels of Land within the Province aforesaid into Manors, by and with the Licence to be first had and obtained for that Purpose, under the Hand and Seal of the said *William Penn*, or his Heirs; and in every of the said Manors to have and to hold a Court-Baron, with all Things whatsoever which to a Court-Baron do belong, and to have and to hold View of Frank-Pledge for the Conservation of the Peace and the better Government of those Parts, by themselves or their Stewards, or by the Lords for the Time being of other Manors, to be deputed when they shall be erected, and in the same to use all Things belonging to the View of Frank-Pledge. AND We do further grant Licence and Authority, That every such Person and Persons who shall erect any such Manor or Manors as aforesaid, shall or may grant all or any Part of his said Land to any Person or Persons, in Fee-simple, or any other Estate of Inheritance, to be held of the said Manors respectively, so as no farther Tenures shall be created, but that upon all further and other Alienations, thereafter to be made, the said Lands so aliened shall be held of the same Lord and his Heirs, of whom the Alienor did then before hold, and by the like Rents and Services which were before due and accustomed.

Leave to erect Manors;

And to hold Courts therein; &c.

The Person erecting a Manor may grant his Land to others, in any Estate, so as no farther Tenure be created, &c.

S E C T. XX.

AND FURTHER Our Pleasure is, and by these Presents, for Us, Our Heirs and Successors, We do covenant and grant to and with the said *William Penn*, his Heirs and Assigns, That We, Our Heirs and Successors, shall at no Time hereafter set or make, or cause to be set, any Imposition, Custom or other Taxation, Rate or Contribution whatsoever, in and upon the Dwellers and Inhabitants of the aforesaid Province, for their Lands, Tenements, Goods or Chattels within the said Province, or in and upon any Goods and Merchandizes within the said Province, or to be laden or unladen within the Ports or Harbours of the said Province, unless the same be with the Consent of the Proprietary, or chief Governor, or Assembly, or by Act of Parliament in *England*.

No Taxes, &c. to be imposed on the People, without their Consent, or Act of Parliament.

S E C T. XXI.

AND Our Pleasure is, and for Us, Our Heirs and Successors, We charge and command, That this Our Declaration shall from henceforth from Time to Time be received and allowed in all Our Courts, and before all the Judges of Us, Our Heirs and Successors, for a sufficient and lawful Discharge, Payment and Acquittance; commanding all the Officers and Ministers of Us, Our Heirs and Successors, and enjoining them, upon Pain of Our highest Displeasure, that they do not presume at any Time to attempt any thing to the contrary of the Premises, or that they do in any sort withstand the same, but that they be at all Times aiding and assisting, as is fitting, to the said *William Penn*, and his Heirs, and unto the Inhabitants and Merchants of the Province aforesaid, their Servants, Ministers, Factors and Assigns, in the full Use and Fruition of the Benefit of this Our Charter.

This Declaration shall be deemed an Acquittance;

And all Officers, &c. are enjoined not to withstand the Premises, but to aid the Proprietary and People, &c. in the full Enjoyment of this Charter.

S E C T. XXII.

AND Our farther Pleasure is, and We do hereby, for Us, Our Heirs and Successors, charge and require, That if any of the Inhabitants of the said Province, to the Number of Twenty, shall at any Time hereafter be desirous, and shall by any Writing, or by any Person deputed for them, signify such their Desire to the Bishop of *London* for the Time being, that any Preacher or Preachers, to be approved of by the said Bishop, may be sent unto them for their Instruction; that then such Preacher or Preachers shall and may be and reside within the said Province, without any Denial or Molestation whatsoever.

Twenty of the Inhabitants petitioning the Bishop of *London*, may have a Preacher, who shall reside in the Province unmolested.

S E C T. XXIII.

AND if perchance hereafter any Doubt or Question should arise, concerning the true Sense and Meaning of any Word, Clause or Sentence, contained in this Our present Charter, We will, ordain, and command, That at all Times and in all Things, such Interpretation be made thereof, and allowed in any of Our Courts whatsoever, as shall be adjudged most advantageous and favourable unto the said *William Penn*, his Heirs and Assigns: *Provided always*, no Interpretation be admitted thereof by which the Allegiance due unto Us, Our Heirs and Successors, may suffer any Prejudice or Diminution; although express Mention be not made in these Presents of the true yearly Value, or Certainty of the Premises, or any Part thereof, or of other Gifts and Grants made by Us and Our Progenitors or Predecessors unto the said *William Penn*; or any Statute, Act, Ordinance, Provision, Proclamation, or Restraint heretofore had, made, published, ordained or provided, or any other Thing, Cause or Matter whatsoever, to the contrary thereof in any wise notwithstanding. IN WITNESS whereof We have caused these Our Letters to be made Patents: Witness OURSELF, at *Westminster*, the Fourth Day of *March*, in the *Three and Thirtieth* Year of Our Reign.

If any Doubts concerning the true Sense of this Charter, should arise, it shall be construed in favour of *William Penn*, &c.

By Writ of Privy Seal,

P I G O T T.

b

Certain

Certain CONDITIONS OR CONCESSIONS Agreed upon by WILLIAM PENN, Proprietary and Governor of the Province of *Pennsylvania*, and those who are the Adventurers and Purchasers in the same Province, the *Eleventh* of *July*, One Thousand Six Hundred and Eighty-one.

F I R S T.

Ground for a City to
be laid out.

THAT so soon as it pleaseth God that the abovesaid Persons arrive there, a certain Quantity of Land or Ground-Plat shall be laid out for a large Town or City, in the most convenient Place upon the River for Health and Navigation; and every Purchaser and Adventurer shall, by Lot, have so much Land therein, as will answer to the Proportion which he hath bought or taken up upon Rent: But it is to be noted, that the Surveyors shall consider what Roads or Highways will be necessary to the Cities, Towns, or through the Lands. Great Roads from City to City not to contain less than *Forty Feet* in Breadth, shall be first laid out and declared to be for Highways, before the Dividend of Acres be laid out for the Purchaser, and the like Observation to be had for the Streets in the Towns and Cities, that there may be convenient Roads and Streets preserved, not to be incroached upon by any Planter or Builder, that none may build irregularly to the Damage of another. *In this, Custom governs.*

Highways and Streets
not to be less than 40
feet wide.

S E C O N D L Y.

Land in Town to be
laid out in Proportion
to the Land taken up
in the Country, &c.

THAT the Land in the Town be laid out together, after the Proportion of *Ten Thousand Acres* of the whole Country, that is, *Two Hundred Acres*, if the Place will bear it: However, that the Proportion be by Lot, and entire, so as those that desire to be together, especially those that are by the Catalogue laid together, may be so laid together both in the Town and Country.

T H I R D L Y.

No Purchaser to hold
above 1000 Acres in a
Place unsettled, &c.

THAT when the Country Lots are laid out, every Purchaser, from *One Thousand* to *Ten Thousand Acres*, or more, not to have above *One Thousand Acres* together, unless in *Three Years* they plant a Family upon every *Thousand Acres*; but that all such as purchase together, lie together; and if as many as comply with this Condition, that the whole be laid out together.

F O U R T H L Y.

Purchasers of 5000, or
10,000 Acres, desiring
to be together, shall be
seated near navigable
Water, &c.

Purchasers not plant-
ing, others may be in-
vested in their Lands,
&c.

THAT where any Number of Purchasers, more or less, whose Number of Acres amounts to *Five* or *Ten Thousand Acres*, desire to sit together in a Lot or Township, they shall have their Lot or Township cast together, in such Places as have convenient Harbours or navigable Rivers attending it, if such can be found; and in case any one or more Purchasers plant, not according to Agreement in this Concession, to the Prejudice of others of the same Township, upon Complaint thereof made to the Governor or his Deputy, with Assistance, they may award (if they see Cause) that the complaining Purchaser may, paying the Survey-Money, and Purchase-Money and Interest thereof, be entitled, inrolled, and lawfully invested in the Lands so not seated.

F I F T H L Y.

Ten Acres in the City
to be laid out for every
Purchaser of 500.

THAT the Proportion of Lands that shall be laid out in the first great Town or City, for every Purchaser, shall be after the Proportion of *Ten Acres* for every *Five Hundred Acres* purchased, if the Place will allow it.

S I X T H L Y.

Grant of Particulars
not mentioned in the
Purchase-Deeds.

THAT notwithstanding there be no Mention made in the several Deeds made to the Purchasers, yet the said *William Penn* does accord and declare, that all Rivers, Rivulets, Woods and Underwoods, Waters, Water-Courses, Quarries, Mines and Minerals (except Mines Royal) shall be freely and fully enjoyed, and wholly, by the Purchasers into whose Lot they fall.

S E V E N T H L Y.

Quit-rent on the 50
Acres allotted to Ser-
vants, &c.

THAT for every *Fifty Acres* that shall be allotted to a Servant at the End of his Service, his Quit-rent shall be *Two Shillings per Annum*, and the Master or Owner of the Servant, when he shall take up the other *Fifty Acres*, his Quitrent shall be *Four Shillings* by the Year, or if the Master of the Servant (by reason in the Indentures he is so obliged to do) allot out to the Servant *Fifty Acres* in his own Division, the said Master shall have on Demand allotted him from the Governor, the *One Hundred Acres* at the chief Rent of *Six Shillings per Annum*.

E I G H T H L Y.

Gold and Silver-mines,
how to be divided.

AND for the Encouragement of such as are ingenious and willing to search out Gold and Silver Mines in this Province, it is hereby agreed, that they have Liberty to bore and dig in any Man's Property, fully paying the Damage done; and in case a Discovery should be made, that the Discoverer have *One Fifth*, the Owner of the Soil (if not the Discoverer) a *Tenth Part*, the Governor *Two Fifths*, and the rest to the public Treasury, saving to the King the Share reserved by Patent.

N I N T H L Y.

Reservation of 10 Acres
in every 100,000.

IN every *Hundred Thousand Acres*, the Governor and Proprietary, by Lot, reserveth *Ten* to himself, which shall lie but in one Place.

T E N T H L Y.

Purchasers obliged to
plant in three Years,
&c.

THAT every Man shall be bound to plant or man so much of his Share of Land as shall be set out and surveyed, within *Three Years* after it is so set out and surveyed, or else it shall be lawful for new Comers to be settled thereupon, paying to them their Survey-Money, and they go up higher for their Shares.

T H E R E

ELEVENTHLY.

THERE shall be no Buying and Selling, be it with an *Indian*, or one among another, of any Goods to be exported, but what shall be performed in public Market, when such Places shall be set apart or erected, where they shall pass the public Stamp or Mark. If bad Ware, and prized as good, or deceitful in Proportion or Weight, to forfeit the Value as if good and full Weight and Proportion, to the public Treasury of the Province, whether it be the Merchandize of the *Indian*, or that of the Planters. Buying and Selling to be in public Market only.
Forfeitures in Case of Deceit.

TWELFTHLY.

AND FORASMUCH as it is usual with the Planters to over-reach the poor Natives of the Country in Trade, by Goods not being good of the Kind, or debased with Mixtures, with which they are sensibly aggrieved, it is agreed, whatever is sold to the *Indians*, in Consideration of their Furs, shall be sold in the Market-place, and there suffer the Test, whether good or bad; if good, to pass; if not good, not to be sold for good, that the Natives may not be abused nor provoked. Goods sold to the *Indians*, shall be examined, &c.

THIRTEENTHLY.

THAT no Man shall, by any Ways or Means, in Word or Deed, affront or wrong any *Indian*, but he shall incur the same Penalty of the Law, as if he had committed it against his Fellow-Planter; and if any *Indian* shall abuse, in Word or Deed, any Planter of this Province, that he shall not be his own Judge upon the *Indian*, but he shall make his Complaint to the Governor of the Province, or his Lieutenant or Deputy, or some inferior Magistrate near him, who shall, to the utmost of his Power, take Care with the King of the said *Indian*, that all reasonable Satisfaction be made to the said injured Planter. Indians not to be abused,
Planter abused by *Indians*, shall complain to the Governor, &c.

FOURTEENTHLY.

THAT all Differences between the Planters and the Natives shall also be ended by Twelve Men, that is, by Six Planters and Six Natives, that so we may live friendly together as much as in us lieth, preventing all Occasions of Heart-burnings and Mischief. Differences between Planters and Natives, to be ended by 6 of each.

FIFTEENTHLY.

THAT the *Indians* shall have Liberty to do all Things relating to Improvement of their Ground, and providing Sustenance for their Families, that any of the Planters shall enjoy. Indians have Liberty to improve their own Ground, &c.

SIXTEENTHLY.

THAT the Laws, as to Slanders, Drunkenness, Swearing, Cursing, Pride in Apparel, Trespasses, Distresses, Replevins, Weights and Measures, shall be the same as in *England*, till altered by Law in this Province. The Laws in several Cases to be as in *England*, till altered.

SEVENTEENTHLY.

THAT all shall mark their Hogs, Sheep and other Cattle, and what are not marked within Three Months after it is in their Possession, be it young or old, it shall be forfeited to the Governor, that so People may be compelled to avoid the Occasion of much Strife between Planters. All Cattle shall be marked, or else forfeited.

EIGHTEENTHLY.

THAT in clearing the Ground, Care be taken to leave One Acre of Trees for every Five Acres cleared, especially to preserve Oak and Mulberries, for Silk and Shipping. One Acre of Wood to be left for every 5 cleared.

NINETEENTHLY.

THAT all Ship-Masters shall give an Account of their Countries, Names, Ships, Owners, Freights and Passengers, to an Officer to be appointed for that Purpose, which shall be registered within Two Days after their Arrival; and if they shall refuse so to do, that then none presume to trade with them, upon Forfeiture thereof; and that such Masters be looked upon as having an evil Intention to the Province. Ship-Masters shall give an Account of their Circumstances, &c. to an Officer, &c.

TWENTIETHLY.

THAT no Person leave the Province, without Publication being made thereof in the Market-place, Three Weeks before, and a Certificate from some Justice of the Peace, of his Clearness with his Neighbours and those he hath dealt withal, so far as such an Assurance can be attained and given: And if any Master of a Ship shall, contrary hereunto, receive and carry away any Person that hath not given that public Notice, the said Master shall be liable to all Debts owing by the said Person so secretly transported from the Province. Lastly, that these are to be added to, or corrected, by and with the Consent of the Parties hereunto subscribed.

*Sealed and delivered in
the Presence of
William Boelham,
Harbert Springet,
Thomas Prudyard.*

WILLIAM PENN.

*Sealed and delivered in the Presence of all the Proprietors who
have hereunto subscribed, except Thomas Farrinborough
and John Goodson, in the Presence of*

Hugh Chamberlen,
R. Murray,
Harbert Springet.

HUMPHRY SOUTH,
THOMAS BARKER,
SAMUEL JOBSON,
JOHN JOSEPH MOORE,
WILLIAM POWEL,
RICHARD DAVIE,
GRIFFITH JONES,
HUGH LAMBE,
THOMAS FARRINBOROUGH,
JOHN GOODSON.

THE

THE CHARTER OF PRIVILEGES, granted by WILLIAM PENN, Esq; to the Inhabitants of *Pennsylvania* and Territories.

Preamble.

WILLIAM PENN, Proprietary and Governor of the Province of *Pennsylvania*, and Territories thereunto belonging, To all to whom these Presents shall come, sendeth Greeting: WHEREAS King *CHARLES the Second*, by His Letters Patents, under the Great Seal of *England*, bearing Date the *Fourth Day of March*, in the Year *One Thousand Six Hundred and Eighty*, was graciously pleased to give and grant unto me, my Heirs and Assigns for ever, this Province of *Pennsylvania*, with divers great Powers and Jurisdictions for the well Government thereof.

AND WHEREAS the King's dearest Brother, *JAMES Duke of YORK and ALBANY*, &c. by his Deeds of Feoffment, under his Hand and Seal duly perfected, bearing Date the *Twenty-fourth Day of August*, *One Thousand Six Hundred Eighty and Two*, did grant unto me, my Heirs and Assigns, all that Tract of Land, now called the Territories of *Pennsylvania*, together with Powers and Jurisdictions for the good Government thereof.

AND WHEREAS for the Encouragement of all the Freemen and Planters, that might be concerned in the said Province and Territories, and for the good Government thereof, I the said **WILLIAM PENN**, in the Year *One Thousand Six Hundred Eighty and Three*, for me, my Heirs and Assigns, did grant and confirm unto all the Freemen, Planters and Adventurers therein, divers Liberties, Franchises and Properties, as by the said Grant, entituled, *The FRAME of the Government of the Province of Pennsylvania, and Territories thereunto belonging in America*, may appear; which Charter or Frame being found, in some Parts of it, not so suitable to the present Circumstances of the Inhabitants, was, in the *Third Month*, in the Year *One Thousand Seven Hundred*, delivered up to me, by *Six Parts of Seven* of the Freemen of this Province and Territories, in General Assembly met, Provision being made in the said Charter for that End and Purpose.

AND WHEREAS I was then pleased to promise, That I would restore the said Charter to them again, with necessary Alterations, or, in lieu thereof, give them another, better adapted to answer the present Circumstances and Conditions of the said Inhabitants; which they have now, by their Representatives in General Assembly met at *Philadelphia*, requested me to grant.

KNOW YE THEREFORE, That for the further Well-being and good Government of the said Province, and Territories; and in Pursuance of the Rights and Powers before-mentioned, I the said *William Penn* do declare, grant and confirm, unto all the Freemen, Planters and Adventurers, and other Inhabitants in this Province and Territories, these following Liberties, Franchises and Privileges, so far as in me lieth, to be held, enjoyed and kept, by the Freemen, Planters and Adventurers, and other Inhabitants of and in the said Province and Territories thereunto annexed, for ever.

F I R S T.

No Person believing in One GOD, &c. shall be molested on Account of his Religious Persuasion;

BECAUSE no People can be truly happy, though under the greatest Enjoyment of Civil Liberties, if abridged of the Freedom of their Consciences, as to their Religious Profession and Worship: And Almighty GOD being the only Lord of Conscience, Father of Lights and Spirits, and the Author as well as Object of all divine Knowledge, Faith and Worship, who only doth enlighten the Mind, and persuade and convince the Understandings of People, I do hereby grant and declare, That no Person or Persons, inhabiting in this Province or Territories, who shall confes and acknowledge *One Almighty GOD*, the Creator, Upholder and Ruler of the World, and profess him or themselves obliged to live quietly under the Civil Government, shall be in any Case molested or prejudiced in his or their Person or Estate, because of his or their conscientious Persuasion or Practice, nor be compelled to frequent or maintain any religious Worship-place or Ministry, contrary to his or their Mind, or to do or suffer any other Act or Thing, contrary to their religious Persuasion.

Nor be compelled to frequent or maintain any Worship contrary to his Mind, &c.

Christians of all Denominations are capable of Offices, promising Allegiance to the King, &c.

AND that all Persons who also profess to believe in *Jesus Christ*, the Saviour of the World, shall be capable (notwithstanding their other Persuasions and Practices in Point of Conscience and Religion) to serve this Government in any Capacity, both legislatively and executively, he or they solemnly promising, when lawfully required, Allegiance to the King as Sovereign, and Fidelity to the Proprietary and Governor, and taking the Attests as now established by the Law made at *New-Castle*, in the Year *One Thousand Seven Hundred*, entituled, *An Act directing the Attests of several Officers and Ministers*, as now amended and confirmed this present Assembly.

S E C O N D L Y.

An Assembly shall be chosen yearly.

FOR the well-governing of this Province and Territories, there shall be an Assembly yearly chosen, by the Freemen thereof, to consist of *Four Persons* out of each County, of most Note for Virtue, Wisdom and Ability (or of a greater Number at any Time, as the Governor and Assembly shall agree) upon the *First Day of October* for ever; and shall sit on the *Fourteenth Day* of the same Month, in *Philadelphia*, unless the Governor and Council for the Time being shall see Cause to appoint another Place within the said Province or Territories: Which Assembly shall have Power to chuse a Speaker and other their Officers; and shall be Judges of the Qualifications and Elections of their own Members; sit upon their own Adjournments; appoint Committees; prepare Bills in order to pass into Laws; impeach Criminals, and redress Grievances; and shall have all other Powers and Privileges of an Assembly, according to the Rights of the free-born Subjects of *England*, and as is usual in any of the King's Plantations in *America*,

Their Powers and Privileges.

A N D

AND if any County or Counties shall refuse or neglect to chuse their respective Representatives as aforesaid, or if chosen, do not meet to serve in Assembly, those who are so chosen and met shall have the full Power of an Assembly, in as ample Manner as if all the Representatives had been chosen and met, provided they are not less than *Two Thirds* of the whole Number that ought to meet. Two Thirds met shall have the Power of the whole.

AND that the Qualifications of Electors and Elected, and all other Matters and Things relating to Elections of Representatives to serve in Assemblies, though not herein particularly expressed, shall be and remain as by a Law of this Government, made at *New-Castle* in the Year *One Thousand Seven Hundred*, intituled, *An Act to ascertain the Number of Members of Assembly, and to regulate the Elections.* The Qualifications of Electors and Elected.

THIRDLY.

THAT the Freemen in each respective County, at the Time and Place of Meeting for Electing their Representatives to serve in Assembly, may, as often as there shall be Occasion, chuse a double Number of Persons to present to the Governor for Sheriffs and Coroners, to serve for *Three Years*, if they so long behave themselves well; out of which respective Elections and Presentments, the Governor shall nominate and commissionate one for each of the said Offices, the *Third Day* after such Presentment, or else the *First* named in such Presentment, for each Office as aforesaid, shall stand and serve in that Office for the Time before respectively limited; and in case of Death or Default, such Vacancies shall be supplied by the Governor, to serve to the End of the said Term. Power to choose Sheriffs and Coroners.

PROVIDED ALWAYS, That if the said Freemen shall at any Time neglect or decline to chuse a Person or Persons for either or both the aforesaid Offices, then, and in such Case, the Persons that are or shall be in the respective Offices of Sheriff or Coroner, at the Time of Election, shall remain therein, until they shall be removed by another Election as aforesaid.

AND that the Justices of the respective Counties shall or may nominate and present to the Governor *Three Persons*, to serve for Clerk of the Peace for the said County, when there is a Vacancy, one of which the Governor shall commissionate within *Ten Days* after such Presentment, or else the *First* nominated shall serve in the said Office during good Behaviour. Clerk of the Peace to be nominated by the Justices, &c.

FOURTHLY.

THAT the Laws of this Government shall be in this Stile, viz. *By the Governor, with the Consent and Approbation of the Freemen in General Assembly met*; and shall be, after Confirmation by the Governor, forthwith recorded in the Rolls-Office, and kept at *Philadelphia*, unless the Governor and Assembly shall agree to appoint another Place. Stile of the Laws.

FIFTHLY.

THAT all Criminals shall have the same Privileges of Witnesses and Council as their Prosecutors. Criminals may have Council, &c.

SIXTHLY.

THAT no Person or Persons shall or may, at any Time hereafter, be obliged to answer any Complaint, Matter or Thing whatsoever, relating to Property, before the Governor and Council, or in any other Place but in the ordinary Courts of Justice, unless Appeals thereunto shall be hereafter by Law appointed. None shall be obliged to answer, but in ordinary Courts of Justice.

SEVENTHLY.

THAT no Person within this Government shall be licensed by the Governor to keep an Ordinary, Tavern or House of public Entertainment, but such who are first recommended to him, under the Hands of the Justices of the respective Counties, signed in open Court; which Justices are and shall be hereby empowered to suppress and forbid any Person keeping such Public-house as aforesaid, upon their Misbehaviour, on such Penalties as the Law doth or shall direct; and to recommend others from Time to Time, as they shall see Occasion. Tavern-keepers, &c. to be recommended before licensed.

EIGHTHLY.

IF any Person, through Temptation or Melancholy, shall destroy himself, his Estate, real and personal, shall notwithstanding descend to his Wife and Children, or Relations, as if he had died a natural Death; and if any Person shall be destroyed or killed by Casualty or Accident, there shall be no Forfeiture to the Governor by Reason thereof. The Estate of Persons destroying themselves, shall descend to their Heirs.

AND no Act, Law or Ordinance whatsoever, shall at any Time hereafter be made or done, to alter, change or diminish the Form or Effect of this Charter, or of any Part or Clause therein, contrary to the true Intent and Meaning thereof, without the Consent of the Governor for the Time being, and *Six* Parts of *Seven* of the Assembly met. No Law, &c. shall alter this Charter, without, &c.

BUT because the Happiness of Mankind depends so much upon the enjoying of Liberty of their Consciences as aforesaid, I do hereby solemnly declare, promise and grant, for me, my Heirs and Assigns, That the *First* Article of this Charter relating to Liberty of Conscience, and every Part and Clause therein, according to the true Intent and Meaning thereof, shall be kept and remain, without any Alteration, inviolably for ever. The Article relating to Liberty of Conscience shall be inviolable for ever.

AND LASTLY, I the said *William Penn*, Proprietary and Governor of the Province of *Pennsylvania* and Territories thereunto belonging, for myself, my Heirs and Assigns, have solemnly declared, granted and confirmed, and do hereby solemnly declare, grant and confirm, That neither I, my Heirs or Assigns, shall procure or do any Thing or Things whereby the Liberties in this Charter contained and expressed, nor any Part thereof, shall be infringed or broken: And if any Thing shall be procured or done by any Person or Persons, contrary to these Presents, it shall be held of no Force or Effect. The Proprietary solemnly confirms this Charter.

Date. IN WITNESS whereof, I the said *William Penn*, at *Philadelphia* in *Pennsylvania*, have unto this present Charter of Liberties, set my Hand and broad Seal, this *Twenty-Eighth* Day of *October*, in the Year of Our Lord *One Thousand Seven Hundred and One*, being the *Thirteenth* Year of the Reign of King *WILLIAM the Third*, over *England, Scotland, France and Ireland, &c.* and the *Twenty-First* Year of my Government.

Proviso, that the Province and Territories may separate in Legislation. AND NOTWITHSTANDING the Closure and Test of this present Charter as aforesaid, I think fit to add this following Proviso thereunto, as Part of the same, *That is to say*, That notwithstanding any Clause or Clauses in the above-mentioned Charter, obliging the Province and Territories to join together in Legislation, I am content, and do hereby declare, that if the Representatives of the Province and Territories shall not hereafter agree to join together in Legislation, and that the same shall be signified to me or my Deputy, in open Assembly, or otherwise from under the Hands and Seals of the Representatives for the Time being, of the Province or Territories, or the major Part of either of them, any Time within *Three* Years from the Date hereof, that in such Case, the Inhabitants of each of the *Three* Counties of this Province, shall not have less than *Eight* Persons to represent them in Assembly, for the Province; and the Inhabitants of the Town of *Philadelphia* (when the said Town is incorporated) *Two* Persons to represent them in Assembly; and the Inhabitants of each County in the Territories, shall have as many Persons to represent them in a distinct Assembly for the Territories, as shall be requested by them as aforesaid.

And shall nevertheless enjoy separately the Privileges granted to them jointly. NOTWITHSTANDING which Separation of the Province and Territories, in Respect of Legislation, I do hereby promise, grant and declare, That the Inhabitants of both Province and Territories, shall separately enjoy all other Liberties, Privileges and Benefits, granted jointly to them in this Charter, any Law, Usage or Custom of this Government heretofore made and practised, or any Law made and passed by this General Assembly, to the Contrary hereof, notwithstanding.

WILLIAM PENN.

Acceptation. THIS CHARTER of PRIVILEGES being distinctly read in Assembly; and the whole and every Part thereof being approved of and agreed to by us, we do thankfully receive the same from our Proprietary and Governor, at *Philadelphia*, this *Twenty-Eighth* Day of *October*, *One Thousand Seven Hundred and One*. Signed on Behalf, and by Order of the Assembly,

per JOSEPH GROWDON, Speaker.

EDWARD SHIPPEN,	} Proprietary and Governor's Council.
PHINEAS PEMBERTON,	
SAMUEL CARPENTER,	
GRIFFITH OWEN,	
CALEB PUSEY,	
THOMAS STORY.	

Recorded in the Rolls-Office at *Philadelphia*, in Patent Book A. Vol. II. page 125, to page 129, the 31st of the Eighth-Month 1701, by me
THOMAS STORY, Master idem.

The CHARTER of the City of PHILADELPHIA.

Philadelphia incorporated at the Request of the Inhabitants. WILLIAM PENN, Proprietary and Governor of the Province of *Pennsylvania, &c.* To all to whom these Presents shall come, sends Greeting. KNOW YE, That at the humble Request of the Inhabitants and Settlers of this Town of *Philadelphia*, being some of the first Adventurers and Purchasers within this Province, for their Encouragement, and for the more immediate and entire Government of the said Town, and better Regulation of Trade therein, I have, by Virtue of the King's Letters Patent under the Great Seal of *England*, erected the said Town into a Borough, and by these Presents do erect the said Town and Borough of *Philadelphia* into a CITY; which said City shall extend the Limits and Bounds as it is laid out between *Delaware* and *Schuylkill*.

Bounds. AND I do for me, my Heirs and Assigns, grant and ordain, that the Streets of the said City shall for ever continue as they are now laid out and regulated; and that the End of each Street extending into the River *Delaware*, shall be and continue free for the Use and Service of the said City, and the Inhabitants thereof, who may improve the same for the best Advantage of the City, and build Wharfs so far out into the River there, as the Mayor, Aldermen and Common Council, herein after-mentioned, shall see meet.

First Mayor named; AND I do nominate *Edward Shippen* to be the present Mayor, who shall so continue until another be chosen, as is herein after directed.

Recorder, AND I do hereby assign and name *Thomas Story* to be present Recorder, to do and execute all Things which unto the Office of Recorder of the said City doth or may belong.

Sheriff and Clerk, AND I do appoint *Thomas Farmer* to be the present Sheriff, and *Robert Ashton* to be the present Town-Clerk, and Clerk of the Peace, and Clerk of the Court and Courts.

Aldermen, AND I do hereby name, constitute and appoint *Joshua Carpenter, Griffith Jones, Anthony Morris, Joseph Wilcox, Nathan Stanbury, Charles Read, Thomas Masters* and *William Carter*, Citizens and Inhabitants of the said City, to be the present Aldermen of the said City of *Philadelphia*.

And Common-Council-Men. AND I do also nominate and appoint *John Parsons, William Hudson, William Lee, Nehemiah Allen, Thomas Paschal, John Budd, junior, Edward Smout, Samuel Bulckley, James Atkinson, Pentecost Teague, Francis Cook* and *Henry Badwell*, to be the present *Twelve* Common-Council-Men of the said City.

AND

A N D I do by these Presents, for me and my Heirs and Successors, give, grant and declare, that the said Mayor, Recorder, Aldermen and Common-Council-Men for the Time being, and they which hereafter shall be Mayor, Recorder, Aldermen and Common-Council-Men within the said City, and their Successors, for ever hereafter, be and shall be, by Virtue of these Presents, one Body corporate and politic in Deed, and by the Name of *Mayor and Commonalty of Philadelphia*, in the Province of *Pennsylvania*: And them by the Name of Mayor and Commonalty of the City of *Philadelphia*, one Body politic and corporate in Deed and in Name, I do for me, my Heirs and Successors, fully create, constitute and confirm, by these Presents; and that by the same Name of Mayor and Commonalty of the City of *Philadelphia*, they may have perpetual Succession; and that they and their Successors, by the Name of Mayor and Commonalty of the City of *Philadelphia* be, and at all Times hereafter shall be Persons able and capable in Law to have, get, receive and possess Lands, Tenements, Rents, Liberties, Jurisdictions, Franchises and Hereditaments, to them and their Successors, in Fee-simple, or for Term of Life, Lives, Years or otherwise; and also Goods, Chattels and other Things, of what Nature, Kind or Quality soever.

Power to hold Lands, &c.

A N D also to give, grant, let, sell and assign the same Lands, Tenements, Hereditaments, Goods and Chattels, and to do and execute all other Things about the same, by the Name aforesaid; and also, that they be and shall be for ever hereafter Persons able and capable in Law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any the Courts or other Places, and before any Judges, Justices and other Persons whatsoever within the said Province, in all Manner of Actions, Suits, Complaints, Pleas, Causes and Matters whatsoever, and of what Nature or Kind soever.

And to sell or dispose of the same, &c.

A N D that it shall and may be lawful to and for the said Mayor and Commonalty of the said City of *Philadelphia*, and their Successors, for ever hereafter, to have and use one common Seal for the Sealing of all Business touching the said Corporation, and the same from Time to Time at their Will and Pleasure to change or alter.

A N D I do for me, my Heirs and Successors, give, and by these Presents grant full Power and Authority unto the Mayor, Recorder and Common-Council of the said City of *Philadelphia*, or any Five or more of the Aldermen, and Nine or more of the Common-Council-Men, the Mayor and Recorder for the Time being, or either of them, being present, on the First Third Day of the Week, in the Eighth-Month yearly for ever hereafter, publicly to meet at a convenient Room or Place within the said City, to be by them appointed for that Purpose, and then and there nominate, elect and choose one of the Aldermen to be the Mayor for that ensuing Year.

Power of choosing a Mayor yearly,

A N D also to add to the Number of Aldermen and Common-Council-Men, such and so many of those, that by Virtue of these Presents shall be admitted Freemen of the said City from Time to Time, as they the said Mayor, Aldermen and Common-Council shall see Occasion.

And adding to the Number of Aldermen and Common-Council.

A N D that such Person who shall be so elected Mayor as aforesaid, shall, within Three Days next after such Election, be presented before the Governor of this Province, or his Deputy for the Time being, and there shall subscribe the Declarations and Profession of his Christian Belief, according to the late Act of Parliament made in the First Year of King William's Reign, intituled, *An Act for exempting Their Majesties Subjects, dissenting from the Church of England, from the Penalties of certain Laws*; and then and there the Mayor so presented, shall make his solemn Affirmation and Engagement for the due Execution of his Office.

Mayor to be qualified before the Governor.

A N D that the Recorder, Sheriff, Aldermen and Common-Council-Men, and all other Officers of the said City, before they or any of them shall be admitted to execute their respective Offices, shall make and subscribe the said Declarations and Profession aforesaid, before the Mayor for the Time being, and at the same time shall be attested for the due Execution of their Offices respectively; which Declarations, Promises and Attestations, the Mayor of the said City for the Time being, is hereby impowered to take and administer accordingly.

Recorder, &c. to be qualified before the Mayor.

A N D that the Mayor, Recorder and Aldermen of the said City, for the Time being, shall be Justices of the Peace, and Justices of Oyer and Terminer; and are hereby impowered to act within the said City and Liberties thereof accordingly, as fully and amply as any Justice or Justices of the Peace or Oyer and Terminer, can or may do within the said Province.

Mayor, Recorder and Aldermen, shall be Justices of the Peace, and of Oyer and Terminer.

A N D that they, or any Four or more of them (whereof the Mayor and Recorder of the said City for the Time being shall be Two) shall and may for ever hereafter have Power and Authority, by Virtue of these Presents, to hear and enquire into all and all Manner of Treasons, Murthers, Manslaughters, and all Manner of Felonies and other Crimes and Offences, Capital and Criminal whatsoever, according to the Laws of this Province and of the Kingdom of *England*, with Power also to hear and determine all petty Larcenies, Routs, Riots, unlawful Assemblies; and to try and punish all Persons that shall be convicted for Drunkenness, Swearing, Scolding, Breaking the Peace, or such like Offences, which are by the Laws of this Province to be punished by Fine, Imprisonment or Whipping; with Power also to award Process against all Rioters and Breakers of the Peace, and to bind them, and all other Offenders and Persons of evil Fame, to the Peace or good Behaviour, as any Justice or Justices of the Peace can do, without being accountable to me or my Heirs, for any Fines or Amerciaments to be imposed for the said Offences or any of them.

And have Power to hear and enquire into all Crimes, &c.

And to determine petty Larcenies, &c. and punish Drunkenness, &c.

Without being accountable to the Proprietary for the Fines.

A N D I do hereby impower them, or any Four of them (whereof the Mayor and Recorder for the Time being shall be Two) with the City-Sheriff and Town-Clerk, to hold and keep a Court of Record Quarterly, or oftener, if they see Occasion, for the enquiring, hearing and determining of the Pleas and Matters aforesaid; and upon their own View, or after a legal Proceedure in some of those Courts, to cause all Nuisances and Encroachments in the Streets of the said City to be removed, and punish the Parties concerned, as the Law and Usage in such Cases shall require.

Power to hold Courts.

A N D

Mayor, Recorder and Aldermen shall be of the *Quorum* of the County-Courts, &c.

AND I do by these Presents assign and appoint, that the present Mayor, Recorder and Aldermen herein before-named be the present Justices of the Peace and Oyer and Terminer, within the said City; and that they and all others that shall be Mayors, Recorders and Aldermen of the said City for the Time being, shall have full Power and Authority, and are hereby impowered and authorized, without any further or other Commission, to be the Justices of the Peace and Oyer and Terminer, within the said City for ever; and shall also be Justices of the Peace, and the Mayor and Recorder shall be of the *Quorum* of the Justices of the County-Courts, Quarter-Sessions, Oyer and Terminer and Goal-Delivery; in the said County of *Philadelphia*; and shall have full Power to award Process, bind to the Peace or Behaviour, or commit to Prison, for any Matter or Cause arising without the said City, and within the Body of the aforesaid County, as Occasion shall require; and to cause Kalenders to be made of such Prisoners, which, together with all Recognizances and Examinations taken before them, for or concerning any Matter or Cause not determinable by them, shall be duly returned to the Judges or Justices of the said County, in their respective Courts where the same shall be cognizable.

Power to erect a Goal and Court-House.

AND that it may be lawful to and for the said Mayor and Commonalty, and their Successors, when they see Occasion, to erect a Goal or Prison and Court-House within the said City.

Power to take Recognizance of Debts;

AND that the Mayor and Recorder for the Time being shall, and by these Presents have Power to take Recognizance of Debts there, according to the Statute of Merchants, and of Action Burnel; and to use and affix the said common Seal thereupon, and to all Certificates concerning the same.

And to appoint a Clerk of the Market, &c.

AND that it may be lawful to and for the Mayor of the said City for the Time being, for ever hereafter to nominate, and from Time to Time appoint the Clerk of the Market, who shall have Assize of Bread, Wine, Beer, Wood and other Things; and do, execute and perform all Things belonging to the Office of Clerk of the Market within the said City.

Coroners chosen by the County shall be Coroners of the City, &c.

AND I will that the Coroners to be chosen by the County of *Philadelphia* for the Time being shall be the Coroners of the said City and Liberties thereof; but that the Freemen and Inhabitants of the said City shall from Time to Time, as often as Occasion be, have equal Liberty with the Inhabitants of the said County, to recommend or choose Persons to serve in the respective Capacities of Coroners and Sheriffs for the County of *Philadelphia*, who shall reside within the said City.

The Sheriff shall be the Water-Bailiff, &c.

AND that the Sheriff of the said City and County for the Time being shall be the Water-Bailiff, who shall and may execute and perform all Things belonging to the Office of Water-Bailiff upon *Delaware* River, and all other navigable Rivers and Creeks within this Province.

Power of Removing the Mayor for Misbehaviour;

AND in Case the Mayor of the said City for the Time being shall, during the Time of his Mayoralty, misbehave himself, or misgovern in that Office, I do hereby impower the Recorder, Aldermen and Common-Council-Men, or *Five* of the Aldermen and *Nine* of the Common-Council-Men of the said City of *Philadelphia* for the Time being, to remove such Mayor from his Office of Mayoralty; and in such Case, or in Cases of Death of the said Mayor for the Time being, that then another fit Person shall, within *Four* Days next after such Death or Removal, be chosen in Manner as is above directed for electing of Mayors, in the Place of him so dead or removed.

And choosing another.

The eldest Alderman to act as Mayor in the Interval.

AND lest there should be a Failure of Justice or Government in the said City, in such Interval, I do hereby appoint, that the eldest Alderman for the Time being shall take upon him the Office of a Mayor there, and shall exercise the same till another Mayor be chosen as aforesaid; and in case of the Disability of such eldest Alderman, then the next in Seniority shall take upon him the said Office of Mayor, to exercise the same as aforesaid.

Power of Removing the Recorder, Aldermen, or Common-Council-Men; and choosing others.

AND in case the Recorder, or any of the Aldermen or Common-Council-Men, of or belonging to the said City, for the Time being, shall misbehave him or themselves in their respective Offices and Places, they shall be removed, and others chosen in their Stead, in Manner following, *That is to say*, The Recorder for the Time being may be removed (for Misbehaviour) by the Mayor, and *Two Thirds* of the Aldermen and Common-Council-Men respectively; and in case of such Removal, or of the Death of the Recorder, then to choose another fit Person, skilled in Law, to be Recorder there, and so to continue during Pleasure as aforesaid. And the Alderman so misbehaving himself may be removed by the Mayor, Recorder and *Nine* of the Aldermen and Common-Council-Men; and in case of such Removal or Death, then within *Four* Days after to choose a fit Person or Persons to supply such Vacancies; and the Common-Council-Men, Constables, Clerk of the Market, for Misbehaviour shall be removed, and others chosen as is directed in the Case of Aldermen.

Penalties on Refusing to serve in the Offices of Mayor, Recorder, Common-Council-Men, &c.

AND I do also, for me and my Successors, by these Presents, grant to the said Mayor and Commonalty, and their Successors, that if any of the Citizens of the said City shall be hereafter nominated, elected and chosen to the Office of Mayor, Aldermen and Common-Council-Men as aforesaid, and having Notice of his or their Election, shall refuse to undertake and execute that Office to which he is so chosen, that then, and so often, it shall and may be lawful for the Mayor and Recorder, Aldermen and Common-Council-Men, or the major Part of the Aldermen and Common-Council-Men for the Time being, according to their Discretion, to impose such moderate Fines upon such Refusers, so as the Mayor's Fine exceed not *Forty Pounds*, the Alderman's *Five and Thirty Pounds*, and Common-Council-Men *Twenty Pounds*, and other Officers proportionably, to be levied by Distress and Sale, by Warrant under the common Seal, or by other lawful Ways, to the Use of the said Corporation. And in such Cases it shall be lawful to choose others to supply the Defects of such Refusers, in Manner as is above directed for Elections.

Power of Summoning a Common-Council.

AND that it shall and may be lawful to and for the Mayor, Recorder and *One* of the Aldermen for the Time being, from Time to Time, so often as they shall find Occasion, to summon a Common Council of the said City.

AND that no Assembly or Meeting of the said Citizens shall be deemed and accounted a Common-Council, unless the said Mayor and Recorder, and at least *Three* of the Aldermen for the Time being, and *Nine* of the Common-Council-Men, be present. No Meeting shall be deemed a Common-Council, unless, &c.

AND also that the said Mayor, Recorder, Aldermen and Common-Council-Men for the Time being, from Time to Time, at their Common-Council, shall have Power to admit such and so many Freemen into their Corporation and Society as they shall think fit.

AND to make (and they may make, ordain, constitute and establish) such and so many good and reasonable Laws, Ordinances and Constitutions (not repugnant to the Laws of *England* and this Government) as to the greatest Part of them at such Common-Council assembled (where the Mayor and Recorder for the Time being are to be always present) shall seem necessary and convenient for the Government of the said City. Power to make Laws and Ordinances;

AND the same Laws, Ordinances, Orders and Constitutions, so to be made, to put in Use and Execution accordingly, by the proper Officers of the said City; and at their Pleasure to revoke, alter and make anew, as Occasion shall require. And to put them in Execution, revoke them. &c.

AND also impose such Mulcts and Amerciaments upon the Breakers of such Laws and Ordinances, as to them in their Discretion shall be thought reasonable; which Mulcts, as also all other Fines and Amerciaments to be set or imposed by Virtue of the Powers granted, shall be levied as above is directed in case of Fines, to the Use of the said Corporation, without rendering any Account thereof to me, my Heirs and Successors; with Power to the Common-Council aforesaid to mitigate, remit or release such Fines and Mulcts, upon the Submission of the Parties. *Provided always*, That no Person or Persons hereafter shall have Right of electing or being elected, by Virtue of these Presents, to any Office or Place, judicial or ministerial, nor shall be admitted Freemen of the said City, unless they be free Denizens of this Province, and are of the Age of *Twenty-One* Years or upwards, and are Inhabitants of the said City, and have an Estate of Inheritance or Freehold therein, or are worth *Fifty Pounds* in Money or other Stock, and have been resident in the said City for the Space of *Two* Years, or shall purchase their Freedom of the Mayor and Commonalty aforesaid. And to impose Mulcts, &c.
What Persons have Right to elect or be elected.

AND I do further grant to the said Mayor and Commonalty of the said City of *Philadelphia*, that they and their Successors shall and may for ever hereafter hold and keep within the said City, in every Week of the Year, *Two* Market-Days, the one upon the *Fourth* Day of the Week, and the other upon the *Seventh* Day of the Week, in such Place or Places, as is, shall, or may be appointed for that Purpose, by the said Commonalty or their Successors, from Time to Time. Market-Days.

AND also *Two* Fairs therein every Year, the one of them to begin on the *Sixteenth* Day of the *Third* Month, called *May*, yearly, and so to be held in and about the Market-Place, and continue for that Day and *Two* Days next following; and the other of the said Fairs to be held in the aforesaid Place on the *Sixteenth* Day of the *Ninth* Month yearly, and for *Two* Days next after.

AND I do for me, my Heirs and Assigns, by Virtue of the King's Letters Patent, make, erect and constitute the said City of *Philadelphia* to be a Port or Harbour, for discharging and unlading of Goods and Merchandizes out of Ships, Boats and other Vessels; and for lading and shipping them in or upon such and so many Places, Keys and Wharffs there, as by the Mayor, Aldermen and Common-Council of the said City shall from Time to Time be thought most expedient for the Accommodation and Service of the Officers of the Customs, in the Management of the King's Affairs, and Preservation of his Duties, as well as for Conveniency of Trade. Philadelphia constituted a Port.

AND I do ordain and declare, that the said Port or Harbour shall be called the Port of *Philadelphia*, and shall extend and be accounted to extend into all such Creeks, Rivers and Places within this Province, and shall have so many Wharffs, Keys, Landing-Places and Members belonging thereto, for Landing and Shipping of Goods, as the said Mayor, Aldermen and Common-Council for the Time being, with the Approbation of the chief Officer or Officers of the King's Customs, shall from Time to Time think fit to appoint. Extent of the Port.

AND I do also ordain, that the Landing-Places now and heretofore used at the *Penny-Pot-House* and *Blue Anchor*, saving to all Persons their just and legal Rights and Property in the Land so to be left open, as also the Swamp between *Budd's* Buildings and the *Society-Hill*, shall be left open and common for the Use and Service of the said City and all others, with Liberty to dig Docks, and make Harbours for Ships and Vessels, in all or any Part of the said Swamp. The Landing-Places left open, with Liberty to dig Docks, &c.

AND I do hereby grant, that all the vacant Land within the Bounds and Limits of the said City shall remain open as a free Common of Pasture, for the Use of the Inhabitants of the said City, until the same shall be gradually taken, in order to build or improve thereon, and not otherwise. *Provided always*, that nothing herein contained shall debar me or my Heirs, in Time to come, from fencing in all the vacant Lands that lie between the *Center-Meeting-House* and the *Schuylkill*, which I intend shall be divided from the Land by me allotted for *Delaware* Side, by a straight Line along the *Broad-Street* from *Edward Shippen's* Land through the *Center-Square* to *Daniel Pegg's* Land; nor shall the fencing or taking in of any of the Streets, happening to be within that Inclosure on *Schuylkill*, be deemed or adjudged to be an Incroachment, where it shall not interfere or stop any of the Streets or Passage leading to any of the Houses built or to be built on that Side, any Thing herein contained to the contrary notwithstanding. Vacant Land to remain open for Pasture, until, &c.

AND I do grant, that this present Charter shall in all Courts of Law and Equity be construed and taken most favourably and beneficially for the said Corporation. This Charter to be construed in favour of the Corporation.

IN WITNESS whereof I have hereunto set my Hand, and caused my Great Seal to be affixed. Dated at *Philadelphia* the *Five and Twentieth* Day of *October*, Anno Domini *One Thousand Seven Hundred* and *One*, and in the *Thirteenth* Year of the Reign of King *WILLIAM the Third*, over *England*, &c. and the *One and Twentieth* Year of my Government.

WILLIAM PENN.

The CHARTER of the Borough of CHESTER.

Preamble,

WILLIAM PENN, true and absolute Proprietary and Governor in Chief of the Province of Pennsylvania, and Territories thereunto belonging: To all to whom these Presents shall come, sends Greeting: WHEREAS in my first Regulation and Division of the Counties of this Province, I thought fit to order, That the Townsted or Village then having the Name of *Upland* should be called *Chester*, which I thereupon constituted the Shire-town of the County of *Chester*, and ordained and appointed all my Courts of Judicature for the Affairs of that County to be there held and kept, and the County Goal or Prison to be and remain there for ever. And whereas about the same Time, or soon after, for the Encouragement of the said Town, I was pleased to grant unto my ancient Friend *John Simcock*, in Behalf of himself and others the Inhabitants of the said Place, the Privilege of a Market to be there weekly held and kept. After which the said Inhabitants, upon their special Instance, did also obtain from my late Lieutenant-Governor and Council a Grant for two Fairs to be held in the said Town yearly. All which the Inhabitants of the said Town, and of the adjacent Parts of the said County of *Chester*, having humbly besought me to confirm unto them, together with such additional Privileges and Franchises as I might think fit or requisite, for the better Encouragement of the Settlers, and Regulation of Trade therein.

The Town of *Chester* erected into a Borough.

NOW KNOW YE, That I, favouring the just and reasonable Request of the said Inhabitants, have of my own free Will erected, and do by these Presents, for me, my Heirs and Successors, erect the said Town into a Borough; which Town and Borough shall extend from the River *Delaware* two Miles backwards into the Woods; and shall be bounded Eastward with the West Side of *Ridley-creek*, and Westward with the East Side of *Chester-creek*, to the said Extent of two Miles backwards from the River, and shall ever hereafter be called CHESTER. And I further will, that the Streets, Landings and Market-place in the said Town shall for ever hereafter be, continue and remain, as they are already and have lately been laid out and modelled, and approved of by me and my Council, then sitting at *New-Castle*.

Magistrates nominated, and their Elections regulated,

AND I do hereby name and constitute *Jasper Yeats*, *Ralph Fishbourn*, *Paul Saunders* and *Robert Barber*, to be present Burgesses, and *James Lowmes* High-constable of the said Borough, who shall so continue until the tenth Day of the First Month next. On which Day, as also on the same Day in the same Month yearly afterwards for ever, it shall and may be lawful to and for the Freeholders and House-keepers of the said Town and Borough publicly to meet in some convenient Place within the said Town, to be by them appointed for that Purpose, and then and there nominate, elect and choose, by the Ballot of the Inhabitants of the said Town, fit and able Men to be Burgesses and High-Constable; with such other Officers as by the Burgesses and Freemen shall be judged needful for assisting and serving the Burgesses in managing the Affairs of the said Borough, and keeping of the Peace therein from Time to Time: And the Burgesses first chosen in the said Elections shall be called Chief Burgesses of the said Town.

Their Powers,

AND I will and ordain, That all the said Burgesses for the Time being shall be, and are hereby empowered and authorized to be, Conservators of the Peace within the said Borough; and shall have Power by themselves, and upon their own View, without any Law-proceeding, to remove all Nuisances and Incroachments out of the said Streets, as they shall see Occasion: With Power also to arrest, imprison and punish Rioters and Breakers of the Peace, and to bind them and all other Offenders, and Persons of evil Fame, to the Peace or good Behaviour, as fully and effectually as any of the Justices of the Peace in the said County can do, and return or bring the Recognizances by them to be taken to the Court of Quarter Sessions for the said County. And that the said Chief Burgesses from Time to Time shall, by Virtue of these Presents, without any further or other Commission, be one of the Justices of the Peace, and one of the Justices of the County Court and Quarter Sessions, Oyer and Terminer and Goal Delivery, in and for the said County of *Chester*. And shall have full Power and Authority with the rest of the said County Justices, or a Quorum of them, or by himself, where the Laws of this Province, &c. directs one Justice to award Process, and hold Pleas cognizable by and before the Justices of the said County of *Chester* from Time to Time.

County Officers to reside in the Borough, &c.

AND I do hereby grant and appoint, That the Sheriff and Clerk of the Courts of the said County of *Chester* for the Time being, if not Residents in the said Borough, shall appoint and constitute sufficient Deputies, who shall from Time to Time reside or constantly attend in the said Town of *Chester*, to perform the Duties of their respective Offices. But before any of the said Burgesses, Constables, or other Officers, shall take upon them the Execution of their respective Offices, they shall subscribe the Declaration and Profession of their Christian Belief according to the late Act of Parliament, made in the first Year of the Reign of King WILLIAM and the late Queen MARY, intituled, *An Act for exempting their Majesty's Protestant Subjects, dissenting from the Church of England, from the Penalties of certain Laws.* And they that are to be newly elected for Burgesses, Constables and other Officers, from Time to Time, shall be attested for the due Execution of their respective Offices; and shall subscribe the said Declarations and Profession of Belief before the old Burgesses, or such of them as go off and are not again chosen in the new Elections: But in case the old Burgesses are all chosen by the new Elections, then they shall have Power, and are hereby empowered and qualified, to act upon their former Attests and Qualifications. And I do further grant and ordain, that the High Constable of the said Borough for the Time being shall be Clerk of the Market, who shall and may have Assize of Bread, Wine, Beer, Wood and other Things; and to do, execute and perform, all Things belonging to the Office of Clerk of the Market within the said Town and Borough of *Chester*.

Clerk of the Market.

AND I do for me, my Heirs and Assigns, grant unto the said Burgesses and their Successors, That if any of the Inhabitants of the said Town and Borough shall be hereafter elected to the Office of Burgesses or Constable as aforesaid, and, having Notice of his or their Election, shall refuse to undertake and execute that Office to which he is so chosen, it shall be lawful for the Burgesses or Burgesses then acting to impose moderate

moderate Fines upon the Refusers, so as the Burgeses's Fine exceed not *Ten Pounds*, and the Constable's Fines regulated and appropriated, *Five Pounds*; to be levied by Distress and Sale, by Warrant under the Hand and Seal of one or more of the Burgeses, or by other lawful Ways, to the Use of the said Town. And in such Cases, it shall be lawful for the said Inhabitants forthwith to choose others to supply the Defects of such Refusers. And that it shall and may be lawful for the said Burgeses and Constable for the Time being to summon and assemble Town-Meetings, from Time to Time, as often as they shall find Occasion: At which Meetings they may make such Ordinances and Rules (not repugnant to or inconsistent with the Laws of this Province) as to the greatest Part of the Town-Meeting shall seem necessary and convenient for the good Government of the said Town. And the same Rules and Ordinances to put in Execution; and the same to revoke, alter or make anew, as Occasion shall require. And also impose such Mulcts and Amerciaments upon Breakers of the said Ordinances, as to the Makers thereof shall be thought reasonable; to be levied as is above-directed in case of Fines, to the Use of the Town, without rendering any Account thereof to me, my Heirs or Assigns: With Power also to the said Meetings to mitigate or release the said Fines and Mulcts, upon the Submission of the Parties.

Power to make Ordinances.

AND I do further grant to the said Burgeses and Inhabitants of the aforesaid Town and Borough of *Market and Fairs, Chester*, That they and their Successors shall and may, for ever hereafter, hold and keep within the said Town in every Week of the Year one Market on the fifth Day of the Week called *Thursday*: And also two Fairs there in every Year, the first of them to begin the fifth Day of the Third Month called *May*, and to continue that Day and two Days after; and the other of the said Fairs to begin the fifth Day of *October*, and to continue till the seventh Day of the same Month, in such Place and Places in the said Town as the Burgeses from Time to Time shall order and appoint.

AND I do further grant, That neither I, nor my Heirs or Assigns, shall or will seize any of the Liberties or Franchises hereby granted, nor take any Advantage against the said Borough for the Non-using or waiving the present Execution of any of the Powers or Privileges hereby granted.

This Charter not to be forfeited for non-using, &c.

IN WITNESS whereof I have hereunto set my Hand, and caused my Great Seal to be affixed. Dated the One and Thirtieth Day of *October*, in the Year of our Lord One Thousand Seven Hundred and One.

WILLIAM PENN.

Recorded Pat. Book A. Vol. 2. p. 138.

The CHARTER of the Borough of BRISTOL.

GEORGE, by the Grace of GOD, of *Great-Britain, France and Ireland*, King, Defender of the Preamble, Faith, &c. To all to whom these Presents shall come, Greeting. WHEREAS Our loving Subjects, *Anthony Burton, John Hall, William Watson, Joseph Bond*, and many other Inhabitants in the Town of *Bristol*, in the Province of *Pennsylvania*, in Our Dominions in *America*, by their humble Petition presented unto *William Keith*, Esq; with Our Royal Approbation Governor of the said Province of *Pennsylvania*, on Behalf of themselves, and others the Inhabitants and Freeholders of the said Town of *Bristol*, have set forth, That divers Persons, natural-born Subjects of Our Kingdom of *Great-Britain*, who were formerly Adventurers into the Province of *Pennsylvania*, and Owners of a certain Tract or Scite of Land formerly called *Buckingham*, in the County of *Bucks*, in the Province aforesaid, did, by the Approbation of the Honourable *WILLIAM PENN*, Esq; late Proprietor and Governor in Chief of the same Province of *Pennsylvania*, appropriate several Lots or Parcels of their Lands, lying or bounding on the River *Delaware*, for the Accommodation of Tradefmen and others to build and settle upon; and that many People since have thereby been encouraged to erect Buildings, as well for the Conveniency of Trade and Cohabitation, and lay out public Streets for the Public Use and Benefit; as also to erect a Church and Meeting-House for the public Worship of God in the said Town; and that the Magistrates and Free-men of the said County of *Bucks*, by the Countenance and Approbation of the Governor, caused a Court-House and Prison to be erected there, and have for long Time held their Courts of General Quarter Sessions of the Peace and Common Pleas at the said Town of *Bristol*; and because that Good Order and Rule is so very necessary to the Well Being of a People and Place, though their Request is not to be granted of Right, but of Grace, have humbly besought the said *William Keith*, Esq; with Our Royal Approbation, Governor of Our said Province of *Pennsylvania*, for Our Letters Patents, under the Great Seal of Our said Province of *Pennsylvania*, to erect the said Town into a Borough, and to incorporate the Freeholders and Inhabitants of the same with perpetual Succession, by what Name soever the said *William Keith*, Governor of Our said Province, shall think fit: As also, to grant such Immunities and Privileges as may be thought necessary for the well ordering and ruling thereof. And We, being willing to promote Trade, Industry, Rule and Good Order, amongst all Our loving Subjects, by granting their reasonable Request in that Behalf;

THEREFORE KNOW YE, That We, of Our special Grace, certain Knowledge, and meer Motion, have erected, and do by these Presents erect, the said Town of *Bristol* into a Borough, which shall be called *The Borough of Bristol*, for ever. The Extent of which Town and Borough is and shall be comprized within the following Boundaries, to wit, Beginning at the Mouth of *Mill-Creek* where it emptieth itself into the River *Delaware*; from thence, extending by the Channel of the same Creek, upwards by the several Courses thereof to a Bridge, called *Otter's-Bridge*; then by *Joseph Bond's* Land, North Fifty-two Degrees East, Ninety-six Perches to a Post; then North Thirty-nine Degrees East, Fifty-five Perches to a Post; then by the *Wap* and the *Mill-Dam* South-east Fifty-eight Perches; then from the End of the said Dam East Eight Degrees South, One Hundred and Forty Perches to a Post; then South-east

Bristol erected into a Borough.

Bounds thereof.

east One Hundred and five Perches to a Post by the said River *Delaware*; thence down the same River West Twenty-seven Degrees South, One Hundred and Ninety-two Perches to the Place of Beginning, including *Phineas Pemberton's* Survey of the said Town, with Additions, according to the Agreement of the said Inhabitants.

Streets regulated.

AND We do hereby grant and ordain, That the Courses and Distances of the Streets already laid out in the said Town and Borough shall be and continue as followeth, *to wit*, The *Mill-street*, containing Sixty-one Foot in Breadth, which begins at an Asp-Tree now standing at the North-east Side of the said *Mill-street*, and North-west Side of *Radcliff-street*, shall extend from thence North-west Thirteen Perches and a Half to *Cedar-street*: Then Three Perches for the said *Cedar-street*, and Twenty-one Perches to *Wood-street*: Then Three Perches for that Street, and Fifteen Perches to *Pond-street*: Then Three Perches for that Street, and the same Course to the Mill-race. The said *Radcliff* contain Sixty-six Foot in Breadth, which begins at the said Asp-tree, shall extend from thence East Twenty-seven Degrees North, fourteen Perches and a Half to *Market-street*: Then Three Perches for that Street, and Twenty-seven Perches to *Mulberry-street*: Then Three Perches for that Street, and Twenty-three Perches to *Walnut-street*: Then Three Perches for that Street, and the same Course to the Extent of the said Town. The Streets from the said *Mill-street* to the said Creek being three in Number, the first of them shall contain Three Perches in Breadth, and shall extend from the South-west End of *Cedar-street* West Thirty-eight Degrees South, to the said Creek, the Course of Beginning at the South-west of *Mill-street*. The Second shall contain Three Perches in Breadth, and shall extend from the South-west End of *Wood-street*, beginning at the North-east Side of *Mill-street*, and running South-west to the Creek. The Third shall contain the same Breadth, and shall extend from South-west End of *Pond-street*; the Course begins at the North-east Side of *Mill-street*, and run South-west Ninety-four Foot from the South-west Side of *Mill-street* upon the South-east Side of the said *Pond-street*, and one Hundred and Twenty-four Foot on the North-west Side thereof; and then South Ten Degrees East, to the said Creek. And the Streets laid out opposite to the Ends of the said *Mill-street*, *Market-street*, *Mulberry* and *Walnut-street*, shall contain the same Breadth with the said Streets respectively, and shall extend from *Radcliff-street* aforesaid South Twenty-seven Degrees easterly, into the said River *Delaware*, leaving a convenient Distance for public Landings, at least Fifteen Foot beyond Low-water-mark. And that there shall be another Street, containing in Breadth Thirty-three Foot, called *Water-street*, which shall begin at *Mill-street* aforesaid, on *Delaware*, Sixty-Foot from *Radcliff-street*, and run East Twenty-seven Degrees North, under the Bank along the River Side to the Extent of the said Town on *Delaware* aforesaid. And We further make and ordain, That all Streets and Landing-places which now are, and hereafter shall be laid out, within the Town aforesaid, shall be always free, and kept open for all the liege People of Us, Our Heirs and Successors, to pass and repass, without any Obstruction or Impediment whatsoever.

Officers appointed,

AND We do hereby name and constitute the said *Joseph Bond* and *John Hall* to be present Burgeses; and *Thomas Clifford* High Constable of the Borough; who shall so continue until the Eighth Day of September next ensuing the Date of these Presents. On which Day, as also on the same Day in the same Month yearly afterwards for ever, it shall and may be lawful to and for the Freeholders and House-keepers of the said Town and Borough publicly to meet in some convenient Place within the same Town, to be by them appointed for that Purpose, and then and there to nominate, elect and choose, by the Ballot, fit and able Men of the Inhabitants of the said Town to be Burgeses and High Constable, with all such other Officers within the same, for serving and assisting the Burgeses in managing the Affairs of the said Borough, in keeping of the Peace and good Order therein from Time to Time, as to the said Electors, or the Majority of them, shall seem requisite and necessary: And the Burgeses first chosen, or having the Majority of Votes in the said Elections, shall be called Chief Burgeses of the said Town.

And their Elections regulated.

Their Power and Duties.

AND We will and ordain, That all the said Burgeses for the Time being shall be, and are hereby empowered and authorized to be, Conservators of the Peace within the said Borough; and shall have Power by themselves, and upon their own View, without any Law-proceedings, to remove all Nuisances and Incroachments out of the said Streets and public Landing-places, as they shall see Occasion: With Power also to arrest, imprison and punish Rioters and Breakers of the Peace, and to bind them and all other Offenders, and Persons of evil Fame, to the Peace or good Behaviour, as fully and effectually as any of the Justices of the Peace in the said County may or can do; and return or bring the Recognizances by them to be taken to the Court of Quarter-Sessions for the said County. And We do hereby grant and appoint, That the Sheriff and Clerk of the Courts for the said County of *Bucks* for the Time being, if not Residents in the said Borough, shall appoint and constitute sufficient Deputies, who shall from Time to Time reside or constantly attend in the said Town of *Bristol*, to perform the Duties of their respective Offices. But before any of the said Burgeses, Constables or other Officers, shall take upon them the Execution of their respective Offices, they shall take and subscribe the Oaths enjoined to be taken and subscribed by the several Acts of Parliament in that Case made and provided, except the People called *Quakers*, who shall be qualified by taking and subscribing the several Attestations or Engagements allowed to the People called *Quakers*, instead of the Oath of Abjuration, according to the Form of the Statutes in that Case lately made and provided. And shall also be sworn or attested to the due Execution of their respective Offices. And every Chief Burgeses so elected from Year to Year as aforesaid shall, within five Days immediately after his Election, present himself at the City of *Philadelphia* to be qualified, by taking and subscribing the Oaths or Attestations aforesaid before the Governor for the Time being, or before such other Person as the Governor shall think fit to appoint for that Purpose. And the said Chief Burgeses being so qualified himself to enter upon his Office; and the other Burgeses, Constable or other Officers newly elected for that Year, shall and may be qualified by taking and subscribing the said Oaths or Attestation before him the said Chief Burgeses, or before any two Justices of the Peace in the said County of *Bucks*, who are hereby authorized and empowered to administer the same respectively.

Qualifications.

AND

AND We do hereby further grant and ordain, that the High-Constable of the said Borough for the Clerk of the Market. Time being shall be the Clerk of the Market, who shall and may have Assize of Bread, Wine, Beer, Wood and other Things, and do, execute and perform all Things belonging to the Clerk of the Market within the said Town and Borough of *Bristol*.

AND We do by the Authority aforesaid grant unto the said Burgeses and their Successors, That if any of the Inhabitants of the said Town and Borough shall hereafter be elected to the Office of Burgeses or Constable as aforesaid, and having Notice of his or their Election, shall refuse to undertake and execute that Office to which he is so chosen, it shall and may be lawful for the Burgeses or Burgeses then acting to impose such moderate Fines upon the Refusers, so as the Burgeses Fine exceed not *Ten Pounds*, and the Constable's *Five Pounds*; to be levied by Distress and Sale of the Goods of the Party so refusing, by Warrant, under the Hand of one or more of the Burgeses, or by other lawful Ways, to the Use of the said Town. And in such Case it shall be lawful for the said Inhabitants forthwith to choose others to supply the Defects of such Refusers. And that it shall and may be lawful for the said Burgeses and Constable for the Time being to summon and assemble Town-Meetings from Time to Time, as often as they shall find Occasion: At which Meetings they may make such Ordinances and Rules (not repugnant to, or inconsistent with the Laws of *Great-Britain* and this Province) as to the greatest Part of the Town-Meeting shall seem necessary and convenient for the good Government of the said Town. And the same Rules and Ordinances to put in Execution; and the same to revoke, alter and make anew, as Occasion shall require. And also impose such Mulcts and Amerciaments upon Breakers of the said Ordinances, as to the Makers thereof shall be thought reasonable; to be levied as is above-directed in Case of Fines, to the Use of the said Town, without rendering any Account thereof to Us, &c. or to the said Proprietary, his Heirs or Assigns, with Power also to the said Meetings to mitigate or release the said Fines and Mulcts upon the Submission of the Parties.

Persons elected for Officers refusing, to be fined.

Power to make Ordinances.

AND We do further grant to the said Burgeses and Inhabitants of the aforesaid Town and Borough of *Bristol*, That they and their Successors shall and may, for ever hereafter, hold and keep within the said Town in every Week of the Year one Market on the Fifth Day of the Week called *Thursday*: And also two Fairs therein every Year; the first of them to begin the Eighth Day of *May*, and to continue that Day and one Day after; and the other of the said Fairs to begin the Twenty-ninth Day of *October*, and to continue till the Thirty-first Day of the same Month, in such Place and Places in the said Town as the Burgeses from Time to Time shall order and appoint.

Fairs and Markets established.

AND further We have, and by these Presents do, for Us and Our Successors, give, grant, ratify and confirm, unto the said Burgeses, Constable, and Inhabitants of the said Town of *Bristol*, and to their Successors, from henceforth, all lawful Privileges, Immunities, Franchises, Powers and Jurisdictions, herein before granted, or that are herein or hereby intended to be given or granted unto the said Burgeses, Constable, and Inhabitants of the Town of *Bristol* aforesaid, as if the said Powers, Authorities, Liberties, Immunities, Privileges and Franchises were herein or hereby more fully expressed, according to the true Intent and Meaning of these Presents: And that no Officer or Officers of Us, or any of Our Successors, or any other Person, shall molest or disturb the said Burgeses, High-Constable, and Inhabitants of the said Town of *Bristol*, in the quiet Enjoyment of any of the Privileges granted or intended to be granted as aforesaid: TO HAVE AND TO HOLD all and singular the Privileges, Advantages, Liberties, Immunities, Franchises, and all other the Premises herein and hereby given, or herein or hereby that are meant, intended or mentioned to be given or granted unto them, the said *Joseph Bond*, Chief Burgeses, *John Hall*, Second Burgeses, and *Thomas Clifford*, High-Constable, and their Heirs, to and for the sole and only proper Use, Benefit and Behoof of the said Burgeses, High-Constable, and Inhabitants of the said Town of *Bristol*, and their Successors for ever.

General Grant of Borough-Franchises.

IN TESTIMONY whereof, We have caused these Our Letters to be made Patents, and the Great Seal of the said Province to be thereunto affixed. Witness *WILLIAM KEITH*, Esq; with Our Royal Approbation, Governor of the said Province of *Pennsylvania*, the Counties of *New-Castle*, *Kent* and *Sussex*, on *Delaware*, this Fourteenth Day of *November*, in the Seventh Year of Our Reign, *Annoque Domini* One Thousand Seven Hundred and Twenty.

WILLIAM KEITH.

Recorded Pat. Book A. Vol. 5. p. 407.

The CHARTER of the Borough of LANCASTER.

GEORGE the Second, by the Grace of GOD, of *Great-Britain*, *France* and *Ireland*, King, Defender of the Faith, &c. To all to whom these Presents shall come, Greeting: WHEREAS Our loving Subject *JAMES HAMILTON*, of the City of *Philadelphia*, in the Province of *Pennsylvania*, Esq; Owner of a Tract of Land whereon the Town of *Lancaster*, in the same Province, is erected, hath, on the Behalf of the Inhabitants of the said Town, represented unto our trusty and well-beloved *THOMAS PENN*, Esq; one of the Proprietors of the said Province, and *GEORGE THOMAS*, Esq; with Our Royal Approbation, Lieutenant-Governor thereof, under *JOHN PENN*, the said *THOMAS PENN*, and *RICHARD PENN*, Esquires, true and absolute Proprietors of the said Province, and the Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, the great Improvements and Buildings made and continuing to be made in the said Town, by the great Increase of the Inhabitants thereof, and hath humbly besought them for Our Letters Patent, under the Great Seal of the said Province, to erect the said Town of *Lancaster* into a Borough, according to certain Limits and Bounds herein after described, and to incorporate the Freeholders and Inhabitants of the same with perpetual Succession, and to grant them such Immunities and Privileges, as might be thought necessary for the well-ordering and governing thereof.

Preamble.

T H E R E

The Town of Lancaster
erected into a Borough.

THEREFORE KNOW YE, That We, favouring the Application of the said JAMES HAMILTON, on Behalf of the said Freeholders and Inhabitants, and willing to promote Trade, Industry, Rule and good Order amongst all Our Subjects, of Our special Grace, certain Knowledge, and mere Motion, have erected, and by these Presents do erect, the said Town of Lancaster into a Borough, for ever hereafter to be called by the Name of LANCASTER; which said Borough shall extend, be limited and bounded in the Manner it is now laid out, pursuant to the Plan thereof hereunto annexed.

AND We do further grant and ordain, That the Streets of the said Borough shall for ever continue as they are now laid out and regulated.

Magistrates nominated.

AND We do nominate and appoint *Thomas Cookson* and *Sebastian Graaff* to be the present Burgeses; and the said *Thomas Cookson* shall be called the Chief Burges within the said Borough; and *Michael Ryerly*, *Matthias Young*, *John Deboffe*, *John Feltes*, *Abraham Johnson*, and *Peter Worrell*, Assistants for advising, aiding and assisting the said Burgeses in the Execution of the Powers and Authorities herein given them; and *Alexander Giblony* to be High-Constable; and *George Sanderson* to be Town-Clerk; to continue Burgeses, Assistants, High-Constable and Town-Clerk until the Fifteenth Day of September, which will be in the Year of our Lord One Thousand Seven Hundred and Forty-four, and from thence until others shall be duly elected or appointed in their Places as is herein after directed.

Incorporating Clause.

AND We do by these Presents, for Us, Our Heirs and Successors, further give, grant and declare, That the said Burgeses, Freeholders and Inhabitants within the Borough aforesaid, and their Successors for ever hereafter, shall be one Body corporate and politic in Deed and in Name; and them by the Name of *The Burgeses and Inhabitants of the Borough of Lancaster, in the County of Lancaster*, one Body politic and corporate in Deed and in Name, We do, for Us, Our Heirs and Successors, fully create, constitute and confirm by these Presents; and by the same Name of the Burgeses and Inhabitants of the Borough of Lancaster, that they may have perpetual Succession; and that they and their Successors, by the Name of the Burgeses and Inhabitants of the Borough of Lancaster, be, and at all Times for ever hereafter shall be, Persons able and capable in Law to have, get, receive and possess Lands, Tenements, Rents, Liberties, Jurisdictions, Franchises and Hereditaments, to them and their Successors in Fee-simple, or for Term of Life, Lives, Years or otherwise; and also Goods, Chattels and other Things, of what Nature or Kind soever; and also give, grant, lett, sell and assign the same Lands, Tenements, Hereditaments, Goods and Chattels, and to do and execute all other Things about the same by the Name aforesaid: And also, that they be, and shall be for ever hereafter, Persons able and capable in Law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any of our Courts or other Places, and before any Judges, Justices, and other Persons whatsoever within the Province aforesaid, in all Manner of Actions, Suits, Complaints, Pleas, Causes and Matters whatsoever. And that it shall and may be lawful to and for the Burgeses and Inhabitants of Lancaster aforesaid, and their Successors for ever hereafter, to have and use one common Seal for the Sealing of all Business whatsoever touching the said Corporation, and the same from Time to Time at their Will to change and alter.

The Election of Magistrates and other Officers regulated.

AND We do, for Us, Our Heirs and Successors, further by these Presents grant full Power and Authority for the Burgeses, Constable, Assistants and Freeholders, together with such Inhabitants, House-keepers within the said Borough, as shall have resided therein at least for the Space of one whole Year next preceding any such Election as is herein after directed, and hired a House and Ground within the said Borough of the yearly Value of Five Pounds, or upwards, on the fifteenth Day of September, which will be in the Year of our Lord One Thousand Seven Hundred and Forty-four, and on that Day yearly for ever thereafter, unless it happen to fall on Sunday, and then on the next Day following, publicly to meet in some convenient Place within the said Borough, to be appointed by the Chief Constable, and then and there to nominate, elect and choose, by the Ballot, two able Men of the Inhabitants of the said Borough to be Burgeses, one to be High-Constable, one to be Town-Clerk, and six to be Assistants within the same, for assisting the Burgeses in the managing the Affairs of the said Borough, and of keeping of Peace and good Order therein: Which Election shall be taken from Time to Time by the High-Constable of the Year preceding; and the Names of the Persons so elected shall be certified under his Seal to the Governor for the Time being, within ten Days next after such Election; and the Burgeses who shall have the Majority of Votes shall be called the Chief Burges of the said Borough. But in case it shall so happen that the said Freeholders and Inhabitants, House-keepers aforesaid, shall neglect or refuse to elect or choose Burgeses and other the Officers in Manner aforesaid, that then it shall and may be lawful for the Governor for the Time being to nominate, appoint and commissionate Burgeses, Constable, Town-Clerk and Assistants for that Year; to hold and continue in their respective Offices until the next Time of annual Election appointed as aforesaid, and so as often as Occasion shall require.

Power of the Magistrates.

AND We further will and ordain, That the said Burgeses for the Time being shall be, and are hereby empowered and authorized to be, Conservators of the Peace within the said Borough; and shall have Power by themselves, and upon their own View, or in other lawful Manner, to remove all Nuisances and Incroachments on the said Streets and Highways within the Borough aforesaid, as they shall see Occasion: With Power also to arrest, imprison and punish Rioters, and other Breakers of the Peace or good Behaviour, award Process, bind to the Peace or Behaviour, commit to Prison, and to make Kalendars of the Prisoners by them committed, and the same to return, together with such Recognizances and Examinations as shall be by them taken, to the next Court of Quarter Sessions of the County of Lancaster, there to be proceeded on as Occasion may or shall require; and to do all and singular other Matters and Things within the said Borough, as fully and effectually, to all Intents and Purposes, as Justices of the Peace in their respective Counties can or may lawfully do.

Their Qualifications.

BUT before any of the said Burgeses, Constable, Town-Clerk or other Officers, shall take upon them the Execution of their respective Offices, they shall take and subscribe the Oaths or Affirmations of Allegiance, and such other Oaths and Affirmations as are by the Laws of Our Government in such Cases provided, together with the Oaths or Affirmations for the due Execution of their respective Offices. And every

every Chief Burgeſs ſo elected or appointed from Year to Year as aforeſaid ſhall, within ten Days immediately after his Election, preſent himſelf to be qualified, by taking the Oaths or Affirmations aforeſaid, before the Governor for the Time being, or before ſuch other Perſons as the Governor ſhall think fit to appoint for that Purpoſe: And on Failure of his ſo preſenting himſelf, unleſs diſabled by Sickneſs or other reaſonable Cauſe, ſuch as ſhall be allowed of by the Governor for the Time being, another Chief Burgeſs ſhall from Time to Time, and as often as Occaſion ſhall require, be appointed in the Stead of ſuch Perſon ſo failing to appear and qualify himſelf as before is directed: Which Burgeſs ſo to be appointed by the Governor for the Time being, ſhall and may enjoy his Office until the Day of Election next enſuing ſuch his Appointment. And the Chief Burgeſs, having qualified himſelf in Manner aforeſaid, ſhall and may enter upon his Office; and the other Burgeſſes, Conſtable, Town-Clerk, or other Officers, ſhall and may qualify themſelves for their reſpective Offices by taking and ſubſcribing the Oaths or Affirmations aforeſaid before the ſaid Chief Burgeſs, or before any one of the Juſtices of the Peace of the ſaid County of *Lancaster* for the Time being, who are hereby authorized and impowered to adminiſter the ſame.

AND We do further grant, for Us, Our Heirs and Succeſſors, to the Burgeſſes, Freeholders and Inhabitants, Houſe-keepers aforeſaid, and their Succeſſors, to have, hold and keep within the ſaid Borough, two Markets in each Week, *that is to ſay*, One Market on *Wednesday*, and one Market on *Saturday*, in every Week of the Year for ever, in the Lot of Ground already agreed upon for that Purpoſe, and granted for that Uſe by *Andrew Hamilton*, Eſq; late of *Philadelphia*, deceaſed, as by the Deeds thereof to *John Wright*, and other Truſtees for the ſaid County of *Lancaster*, may appear. And alſo two Fairs there in every Year, the firſt to begin on the firſt Day of *June* next enſuing, and to continue that Day and the next Day following, and the other of the ſaid Fairs to begin on the Twenty-fifth Day of *October* following, and to continue that Day and the next Day after. And when either of thoſe Days ſhall happen to fall on *Sunday*, then the ſaid Fairs to be kept the next Day or two Days following together, with the free Liberties, Cuſtoms, Profits and Emoluments to the ſaid Markets and Fairs belonging, and in anywiſe appertaining, for ever.

AND We do hereby further grant and ordain, That there ſhall be a Clerk of the Market for the ſaid Borough, who ſhall have the Aſſize of Bread, Wine, Beer, Wood, and all other Proviſions brought for the Uſe of the ſaid Inhabitants, who ſhall and may perform all Things belonging to the Office of a Clerk of the Market within the ſaid Borough: And that *John Morris* ſhall be the preſent Clerk of the Market, who ſhall be removable for any Malfeazance in his Office by the Burgeſſes and Aſſiſtants aforeſaid, and another from Time to Time appointed and removed as they ſhall find it neceſſary.

AND We do further grant unto the ſaid Burgeſſes, High-Conſtable and Aſſiſtants, and their Succeſſors, as much as in Us is, That if any of the Inhabitants of the ſaid Borough ſhall be hereafter elected to the Office of Burgeſſes, High-Conſtable or Aſſiſtants, and having Notice of his or their Election, ſhall reſuſe to undertake and execute that Office to which he is choſen, it ſhall and may be lawful for the Burgeſſes, High-Conſtable and Aſſiſtants then acting, to impoſe ſuch moderate Fines on the Perſon or Perſons ſo reſuſing as to them ſhall ſeem meet; ſo always that ſuch Fine impoſed on a Burgeſs elect do not exceed *Ten Pounds*, and the Fine on the High-Conſtable or an Aſſiſtant elect do not exceed *Five Pounds*, each to be levied by Diſtreſs and Sale of the Goods of the Party reſuſing, by Warrant under the Hand and Seal of one of the ſaid Burgeſſes, or by any other lawful Way or Means whatſoever, for the Uſe of the ſaid Corporation. And in any ſuch Caſe, it ſhall and may be lawful for the ſaid Inhabitants to proceed to the Choice of ſome other fit Perſon or Perſons, in the Stead of ſuch who ſhall ſo reſuſe.

AND it ſhall and may be lawful for the ſaid Burgeſſes, High-Conſtable and Aſſiſtants for the Time being, to aſſemble Town-meetings as often as they ſhall find Occaſion: At which Meetings they may make ſuch Ordinances and Rules, not repugnant to, or inconfiſtent with the Laws of the ſaid Province, as to the greateſt Part of the Inhabitants ſhall ſeem neceſſary and convenient for the good Government of the ſaid Borough. And the ſame Rules and Orders to put in Execution; and the ſame to revoke, alter and make anew, as Occaſion ſhall require. And alſo to impoſe ſuch Mulcts and Amerciaments upon Breakers of the ſaid Ordinances, as to the Makers thereof ſhall be thought reaſonable; to be levied as above is directed in Caſe of Fines, for the Uſe of the ſaid Borough, without rendering any Account thereof to Us, Our Succeſſors, or to the Proprietaries aforeſaid, their Heirs or Succeſſors. Alſo at the ſaid Meetings to mitigate or releaſe the ſaid Fines and Mulcts, upon the Submission of the Parties.

AND We do further will and grant, That where any Doubts ſhall happen to ariſe touching this preſent Charter, that the ſame ſhall in all Courts of Law and Equity be conſtrued and taken moſt favourably and beneficially for the ſaid Corporation.

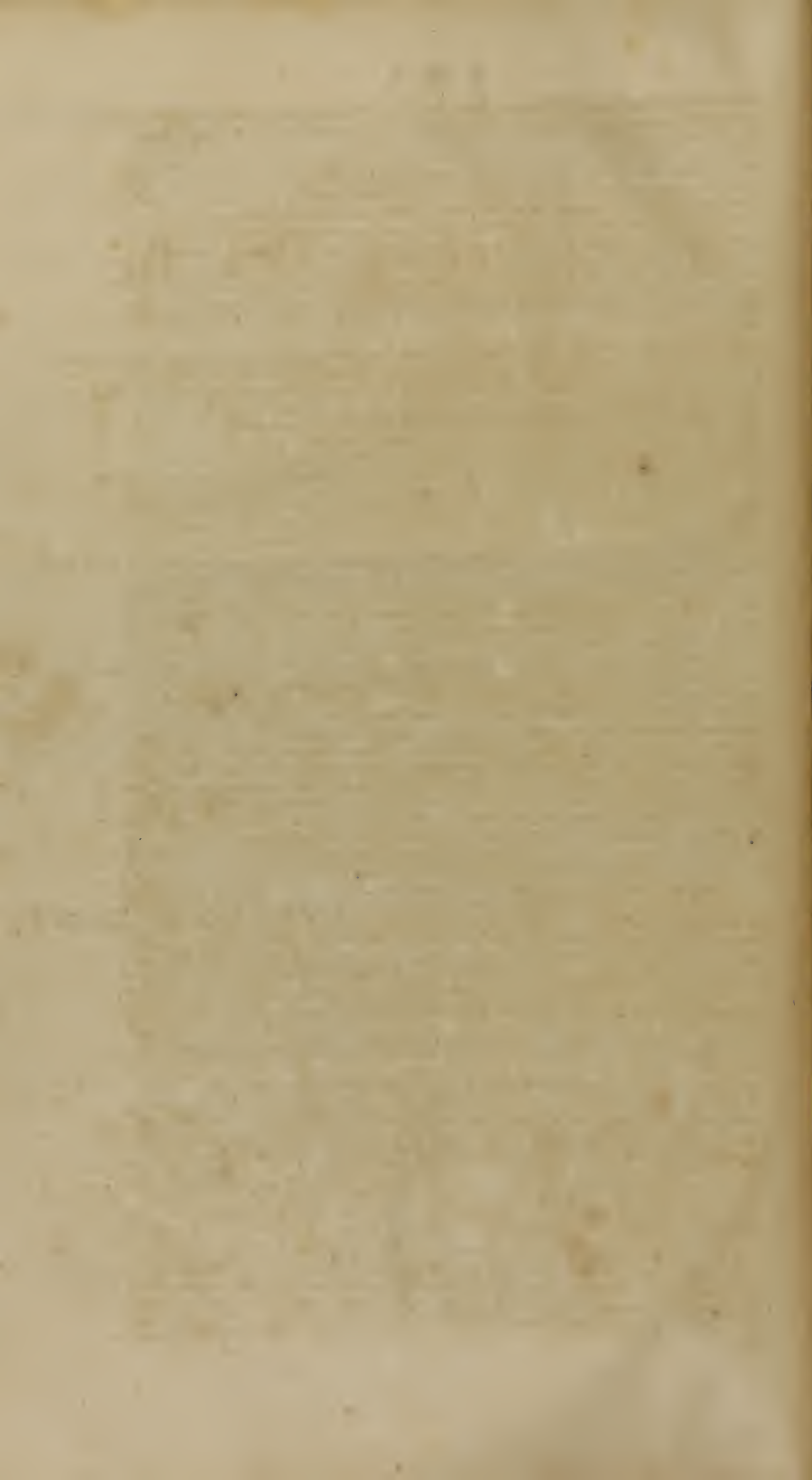
IN TESTIMONY whereof, We have cauſed theſe our Letters to be made Patent. Witneſs *GEORGE THOMAS*, Eſq; with Our Royal Approbation, Lieutenant Governor of the Province aforeſaid, under *JOHN PENN*, *THOMAS PENN* and *RICHARD PENN*, Eſquires, true and abſolute Proprietaries of the Province aforeſaid, and of the Counties of *New-Caſtle*, *Kent* and *Suſſex*, on *Delaware*, the Firſt Day of *May*, in the Fifteenth Year of Our Reign, *Anno Domini 1742*.

GEORGE THOMAS.

Lancaster Borough, *ſc*.

THIS is to certify, That the above is a true Copy of the Charter granted to the Inhabitants of the Town of *Lancaster*, in the County of *Lancaster*, and Province of *Pennſylvania*. IN TESTIMONY whereof, I have hereto ſet my Hand, and cauſed the Seal of the Borough aforeſaid to be hereto affixed, the Firſt Day of *December*, in the Year of our Lord One Thousand Seven Hundred and ſixty.

JOHN HOPSON, Chief Burgeſs.



Anno Duodecimo

G U L I E L M I III.

At an A S S E M B L Y, begun and holden at *New-Castle*, on the Fourteenth Day of *October*, 1700, and ended the Twenty-seventh of *November* following.

C A P. I.

The L A W concerning Liberty of Conscience.
Recorded A, Vol. I. p. 1.

C A P. II.

An A C T against Riots, Rioters, riotous Sports, Plays and Games.
Recorded A, Vol. I. p. 2.

C A P. III.

An A C T against Adultery, Fornication, &c.
Recorded A, Vol. I. p. 3.

C A P. IV.

An A C T against Rape or Ravishment.
Recorded A, Vol. I. p. 4.

C A P. V.

An A C T against Incest, Sodomy and Bestiality.
Recorded A, Vol. I. p. 5.

C A P. VI.

An A C T against Bigamy.
Recorded A, Vol. I. p. 5.

C A P. VII.

An A C T against Robbing and Stealing.
Recorded A, Vol. I. p. 6.—The above mentioned seven Acts were repealed in Council, *February 7, 1705.*

C A P. VIII.

An A C T about Boats and Canoes.

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That if any Person or Persons within this Province or Territories shall fairly take up any Man's Boat or Canoe, the same being adrift, he shall receive as a Reward, from the Owner thereof, the Sum of *Five Shillings* for a Boat, and *Two Shillings and Six-pence* for a Canoe. AND if any Person or Persons shall, at any Time after Publication of this Law, take, carry away, or set adrift a Vessel, Boat or Canoe, from any Landing within this Province or Territories, without Leave or Consent first had and obtained from the Owner thereof, he, she or they, shall pay double the Value of such Vessel, Boat or Canoe; and the Property of the Vessel, Boat or Canoe so taken away

Reward for taking up a Boat or Canoe.
Penalty for taking the same from a Landing, &c.

A or

or set adrift, as aforesaid, shall still remain in the Master or Owner thereof, and the Master or Owner of the same to have one Half of the said Penalty or Forfeiture.

Recorded A, Vol. I. p. 7.

C A P. IX.

An A C T against breaking into Houses.

Recorded A, Vol. I. p. 7.—Repealed in Council, *February 7, 1705.*

C A P. X.

An A C T against firing of Houses, &c.

Recorded A, Vol. I. p. 8.—Repealed in Council, *February 7, 1705.*

C A P. XI.

An A C T against forcible Entry.

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That whosoever shall violently or forcibly enter into the House or Possessions of any other Person within this Province or Territories, being duly convicted thereof, shall be punished as a Breaker of the Peace, and make such Satisfaction to the Party aggrieved as the Circumstances of the Fact will bear.

Recorded A, Vol. I. p. 8.

C A P. XII.

An A C T against Menacing, and Assault and Battery.

Recorded A, Vol. I. p. 8.—Repealed in Council, *February 7, 1705.*

C A P. XIII.

An A C T against Murder.

Recorded A, Vol. I. p. 9.—Repealed in Council, *February 7, 1705.*

C A P. XIV.

An A C T against Sedition, spreading false News, and Defamation.

Recorded A, Vol. I. p. 10.—Repealed in Council, *February 7, 1705.*

C A P. XV.

An A C T against removing of Land-marks.

FOR the greater Security and Certainty of the Boundaries of Land, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That no Person in this Province, or Counties annexed, shall cut, fell, alter or remove any certain bounded Tree, or other allowed Land-mark, to the Wrong of his Neighbour, or any other Person, under the Penalty of any Sum not less than *Ten Pounds.*

Recorded A, Vol. I. p. 10.

C A P. XVI.

An A C T against Defacers of Charters, &c.

WHEREAS the Security of Titles and Property, in a great Measure, depends on the Safety and Certainty of Writings and Records, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That whosoever shall forge, deface, corrupt or imbezzle any Charters, Gifts, Grants, Bonds, Bills, Wills, Conveyances or Contracts, or shall deface or falsify any Inrolment, Registry or Record, within this Province or Territories, shall forfeit double the Value of the Damage thereby sustained, one Half whereof shall go to the Party wronged; and the Person so offending shall be discarded from all Places of Trust, and publicly disgraced,

graced, as a false Person, in the Pillory, or otherwise, at the Discretion of the Court before whom the Cause shall be tried.

Recorded A, Vol. I. p. 10.

C A P. XVII.

An A C T for County Seals, and against counterfeiting Hands and Seals.

Recorded A, Vol. I. p. 11.—Repealed in Council, *February 7, 1705.*

C A P. XVIII.

An A C T for regulating the Interest of Money.

Recorded A, Vol. I. p. 11.—Supplied by 9 GEO. I.

C A P. XIX.

An A C T of Privileges to a Freeman.

Recorded A, Vol. I. p. 12.—Repealed in Council, *February 7, 1705.*

C A P. XX.

An A C T against buying Land of the Natives.

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That if any Person presume to buy any Land of the Natives, within the Limits of this Province and Territories, without Leave from the Proprietary thereof, every such Bargain or Purchase shall be void, and of no Effect.

Purchases of
the Natives
where void.

Recorded A, Vol. I. p. 12.

C A P. XXI.

An A C T directing how petty Offences shall be punished.

WHEREAS many Times Persons for Misdemeanors, the Fine of which is but small, being presented by the Grand-Jury (which hath been the usual Course of Trials in such Cases heretofore) have been put to great Charges, by Reason of the Fees that have accrued thereupon: For Prevention whereof, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That where the Fine doth not exceed *Twenty Shillings*, one or more Justices of the Peace, upon due Proof of the Offence, or being committed in his or their Presence, may determine and give Judgment in every such Case, and issue Warrants to the Constable to levy the said Fine upon the Offender's Goods and Chattels, by Distress and Sale thereof; or may commit the Offender to Prison, as the Law shall direct or require, except in such Cases where the Law leaves the Fine to the Discretion of the County Court.

Offences fin-
able 20s.
and less,
One Justice
may deter-
mine.

Recorded A, Vol. I. p. 12.

C A P. XXII.

An A C T for the Names of Days and Months.

Recorded A, Vol. I. p. 13.—Repealed in Council, *February 7, 1705.*

C A P. XXIII.

An A C T for the better Provision for the Poor, &c.

Recorded A, Vol. I. p. 13.—Repealed in Council, *February 7, 1705.*—Supplied by 11 GEO. III.

C A P. XXIV.

An A C T about the recording of Deeds.

Recorded A, Vol. I. p. 13.—Supplied by 1 GEO. I.

C A P. XXV.

An A C T for preventing clandestine Marriages.

Supplied by an Act of Assembly in the Year next following.

C A P.

C A P. XXVI.

An A C T about binding to the Peace.

One Justice
may bind to
the Peace.

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province, and Territories thereunto belonging, and by the Authority of the same, That whosoever shall threaten the Person of another, to wound, kill or destroy him, or do him any Harm in Person or Estate, and the Person so threatened shall appear before a Justice of the Peace, and attest, That he believes that by such Threatening he is in Danger to be hurt in Body or Estate; such Person so threatening as aforesaid shall be bound over, with one sufficient Surety, to appear at the next Sessions or County Court, to be holden for the County where such Offence was committed, to be proceeded against according to Law; and in the mean Time to be of his good Behaviour, and keep the Peace towards all the King's Subjects.

Recorded A, Vol. I. p. 14.

C A P. XXVII.

An A C T limiting the Presentments of the Grand-Jury.

Recorded A, Vol. I. p. 14.

C A P. XXVIII.

An A C T to ascertain the Number of Members of Assembly, and to regulate Elections.

Recorded A, Vol. I. p. 15.

C A P. XXIX.

The L A W about Attachments.

Recorded A, Vol. I. p. 17.

C A P. XXX.

An A C T for Naturalization.

Recorded A, Vol. I. p. 19.

C A P. XXXI.

An A C T for ascertaining the Descent of Lands, and better Disposition of the Estates of Persons intestate.

Recorded A, Vol. I. p. 20.

C A P. XXXII.

An A C T for raising County Levies.

Recorded A, Vol. I. p. 23.

C A P. XXXIII.

An A C T directing the Attests of several Officers and Ministers.

Recorded A, Vol. I. p. 27.—The seven last mentioned Acts were repealed in Council, *February 7, 1705.*

C A P. XXXIV.

An A C T for the better Attendance of the Justices on the several Courts of Judicature within this Province and Territories.

Penalty on
Justices not
attending
Courts.

TO the End that the respective Justices of the several Counties within this Province and Territories may give their due Attendance at the same Courts, that Business may speedily be effected, and People dispatched to follow their respective Callings and Affairs, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province, and Territories thereunto belonging, in General Assembly met, and by the Authority of the same, That the Justices of the Peace shall, at their respective County Courts, give their Attendance, under the Penalty or Forfeiture of *Thirty Shillings*, the one Half to the Poor of the County, and the other to the Proprietary and Governor; to be levied by Distress and Sale of the Offender's Goods and

and Chattels, by Warrant under the Hand and Seal of the Majority of the Justices at the next subsequent Court, and to be directed to the Sheriff of the County; unless such absent Justice or Justices shall give a sufficient Reason for such his Absence, to be allowed on by the said Court, at the next Sitting thereof.

Recorded A, Vol. I. p. 29.

C A P. XXXV.

An A C T against Jurors absenting, being lawfully summoned to attend the several Courts of Judicature within this Province and Territories.

Recorded A, Vol. I. p. 30.----Supplied by 7 GEO. III. Cap. 13.

C A P. XXXVI.

An A C T for determining of Debts under *Forty Shillings*.

Recorded A, Vol. I. p. 30.

C A P. XXXVII.

An A C T to prevent immoderate Fines.

Recorded A, Vol. I. p. 30.

C A P. XXXVIII.

An A C T about Defalcation.

Recorded A, Vol. I. p. 30.

C A P. XXXIX.

An A C T against Speaking in Derogation of Courts.

Recorded A, Vol. I. p. 31.—The four last mentioned Acts were repealed in Council, *February 7, 1705.*

C A P. XL.

An A C T for the Appraisement of Goods.

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That the respective County Courts within this Province and Territories shall, and hereby have Power, as often as they shall see Cause, to nominate and appoint three sufficient, honest and discreet Persons, whom they shall attest to be Appraisers in their several and respective Counties, to value and appraise all such Goods and Chattels, as shall be taken upon Executions by any Process out of the respective Courts of this Government, or as Need shall require; which Goods shall not be sold till such Appraisement be made by them as aforesaid, or any two of them, nor till seven Days after the said Appraisement, to the End the Party or Parties concerned may be present at the Sale thereof, if they shall think fit; which Sale shall be made openly, and in a public Way and Manner, and the Overplus to be returned to the Owner. And in case the Goods appraised will not sell for so much as the same are appraised and valued to be worth by the said Appraisers, or any two of them, as aforesaid, the Creditor shall receive them for his Pay, according as the same are valued and appraised, returning the Overplus as aforesaid. And the said Appraisers shall have as a Fee *Two-pence per Pound*, and *Two-pence per Mile*, Journey Fees.

Recorded A, Vol. I. p. 31.

C A P. XLI.

An A C T against Barrators.

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That if any Person within this Province and Territories, in any Court within the same, be indicted, proved and adjudged a common Barrator, vexing others with unjust and vexatious Suits, he shall be adjudged a common Barrator, and his Suits and Actions rejected, if the Court see Cause for the same, and he punished for his Barratry.

Recorded A, Vol. I. p. 32.

C A P. XLII.

An A C T to oblige Witnesses to give Evidence, and to prevent false Swearing.
Recorded A, Vol. I. p. 32.—Repealed in Council, *February 7, 1705.*

C A P. XLIII.

An A C T confirming Devises of Lands, and Validity of Nuncupative Wills.
Recorded A, Vol. I. p. 33.—Repealed in Council, *February 7, 1705.*

C A P. XLIV.

An A C T to prevent the grievous Sins of Cursing and Swearing within this Province and Territories.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That whosoever shall wilfully, premeditately and despitefully, blaspheme or speak loosely and prophanely of Almighty GOD, CHRIST JESUS, the HOLY SPIRIT, or the SCRIPTURES of TRUTH, and is legally convicted thereof, shall forfeit and pay the Sum of *Ten Pounds*, for the Use of the Poor of the County, where such Offence shall be committed, or suffer three Months Imprisonment at hard Labour as aforesaid, for the Use of the said Poor.

Recorded A, Vol. I. p. 34.—So much of this Act as relates to prophane Swearing and Cursing, is repealed and supplied by 19 GEO. II. Cap. 7. and therefore omitted.

C A P. XLV.

An A C T to prevent all Duelling, and fighting of Duels, within this Province and Territories.

FOR the Prevention of Duelling, and fighting of Duels, within this Province and Territories, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That if any Person within this Government challenge the Person of another to fight at Sword, Pistol, Rapier, or any other dangerous or destructive Weapon, such Person so challenging shall forfeit and pay (being lawfully convicted thereof) the Sum of *Twenty Pounds*, or suffer three Months Imprisonment at hard Labour: And the Person accepting such Challenge shall forfeit and pay the like Sum of *Twenty Pounds*, or suffer Imprisonment as aforesaid. The said Forfeitures or Payments to be to the Use and Behoof of the Proprietary and Governor, and to no other Use whatsoever.

Recorded A, Vol. I. p. 35.

C A P. XLVI.

An A C T for empowering Widows and Administrators to sell so much of the Lands of Intestates, as may be sufficient to clear their Debts, &c.
Recorded A, Vol. I. p. 36.—Repealed in Council, *February 7, 1705.*

C A P. XLVII.

An A C T for the Preservation of the Person of the Proprietary and Governor.
Recorded A, Vol. I. p. 36.—Repealed in Council, *February 7, 1705.*

C A P. XLVIII.

An A C T for taking Lands in Execution for the Payment of Debts, where the Sheriff cannot come at other Effects to satisfy the same.

TO the End that no Creditors may be defrauded of the just Debts, due to them by Persons of this Province or Territories, who have sufficient real Estates, if not personal, to satisfy the same, BE IT ENACTED by the Proprietary

Blasphemy
and pro-
phanely
Speaking
how to be
punished.

Duels how
punished.

prietary and Governor, by and with the Advice and Consent of the Freemen of the said Province and Territories, in General Assembly met, and by the Authority of the same, That all Lands and Houses whatsoever, within this Government, shall be liable to Sale, upon Judgment and Execution obtained against the Defendant, the Owner, his Heirs, Executors or Administrators, where no sufficient personal Estate is to be found; with this due Proviso, That the Messuage and Plantation, with its Appurtenances, upon which the Defendant is chiefly seated, shall not be exposed to Sale before the Expiration of one whole Year after Judgment is obtained; to the Intent that the Defendant, or any other on his Behalf, may endeavour the Redemption of the same: And before any such Lands, Messuages or Houses, or any other Lands or Houses whatsoever, taken in Execution, shall be sold, they shall be duly appraised by twelve honest and discreet Men of the Neighbourhood; and that then it shall and may be lawful for the Sheriff to make Sale of, and convey the same under his Hand and Seal. After which Sale and Appraisement made as aforesaid, such Land and Houses shall be and remain a free and clear Estate to the Purchaser or Creditor, to whom they are so made over or sold, his Heirs and Assigns for ever, as fully and amply as ever they were to the Debtor.

Real Estates
liable to be
sold for Pay-
ment of
Debts;

but to be first
appraised.

II. *PROVIDED* always, and be it further enacted, That lawful Interest shall be allowed to the Creditor for the Sum or Value he obtained Judgment for, from the Time the said Judgment was obtained till the Time of Sale, or till Satisfaction be made.

Interest on
Judgments.

III. *PROVIDED* also, That the chief Plantation or Messuage shall be the last taken in Execution; and that where the Appraisement of the Lands taken in Execution amounts to more than the Debt, Costs and Damage, the Creditor shall not be obliged in such Case to take the Whole, and pay the Overplus, but shall only take so much as to satisfy the Execution, and no more.

The chief
Messuage to
be last taken
in Execution.

Recorded A, Vol. I. p. 37.

C A P. XLIX.

An A C T for the better Regulation of Servants in this Province and Territories.

FOR the just Encouragement of Servants in the Discharge of their Duty, and the Prevention of their deserting their Masters or Owners Service, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That no Servant, bound to serve his or her Time in this Province, or Counties annexed, shall be sold or disposed of to any Person residing in any other Province or Government, without the Consent of the said Servant, and two Justices of the Peace of the County wherein he lives or is sold, under the Penalty of *Ten Pounds*, to be forfeited by the Seller.

No Servant
to be sold out
of this Gov-
ernment,
without his
Consent.

II. *AND* be it further enacted, That no Servant shall be assigned over to another Person by any in this Province or Territories, but in the Presence of one Justice of the Peace of the County, under the Penalty of *Ten Pounds*; which Penalty, with all others in this Act expressed, shall be levied by Distress and Sale of the Goods of the Party offending.

Nor assigned
over, except
before a Ju-
stice.

III. *AND* be it enacted by the Authority aforesaid, That every Servant that shall faithfully serve four Years, or more, shall, at the Expiration of their Servitude, have a Discharge, and shall be duly cloathed with two compleat Suits of Apparel, whereof one shall be new, and shall also be furnished with one new Axe, one Grubbing-hoe, and one Weeding-hoe, at the Charge of their Master or Mistress.

Servants
Dues.
See 11 GEO.
III. Cap. 8.
Sect. 1.

IV. *AND* for Prevention of Servants quitting their Masters Service, *Be it enacted by the Authority aforesaid*, That if any Servant shall absent him or herself from the Service of their Master or Owner for the Space of one Day or more, without Leave first obtained for the same, every such Servant shall, for every such Day's Absence, be obliged to serve five Days, after the Expiration of his or her Time, and shall further make such Satisfaction to his or her Master or Owner,

Penalty on
Servants run-
ning away.
See 11 GEO.
III. Cap. 8.
Sect. 3.

for

for the Damages and Charges sustained by such Absence, as the respective County Court shall see meet, who shall order as well the Time to be served, as other Recompence for Damages sustained.

The Reward
for taking
them up.

V. A N D whoever shall apprehend or take up any runaway Servant, and shall bring him or her to the Sheriff of the County, such Person shall, for every such Servant, if taken up within ten Miles of the Servant's Abode, receive *Ten Shillings*, and if ten Miles or upwards, *Twenty Shillings* Reward of the said Sheriff, who is hereby required to pay the same, and forthwith to send Notice to the Master or Owner, of whom he shall receive *Five Shillings*, Prison Fees, upon Delivery of the said Servant, together with all other Disbursements and reasonable Charges for and upon the same.

Penalty for
concealing
them.

Justice's Du-
ty, and Fine
on Neglect.

Sheriff's.

VI. A N D to prevent the clandestine employing of other Mens Servants, *Be it enacted by the Authority aforesaid*, That whosoever shall conceal any Servant of this Province or Territories, or entertain him or her Twenty-four Hours, without his or her Master's or Owner's Knowledge and Consent, and shall not within the said Time give an Account thereof to some Justice of the Peace of the County, every such Person shall forfeit *Twenty Shillings* for every Day's Concealment. And in case the said Justice shall not, within Twenty-four Hours after Complaint made to him, issue his Warrant, directed to the next Constable, for apprehending and seizing the said Servant, and commit him or her to the Custody of the Sheriff of the County, such Justice shall, for every such Offence, forfeit *Five Pounds*. And the Sheriff shall by the first Opportunity, after he has received the said Servant, send Notice thereof to his or her Master or Owner; and the said Sheriff, neglecting or omitting in any Case to give Notice to the Master or Owner of their Servant being in his Custody as aforesaid, shall forfeit *Five Shillings* for every Day's Neglect after an Opportunity has offered, to be proved against him before the next County Court, and to be there adjudged.

Clandestine
Dealing with
Servants.

VII. A N D for the more effectual Discouragement of Servants imbezzling their Masters or Owners Goods, *Be it enacted by the Authority aforesaid*, That whosoever shall clandestinely deal or traffick with any Servant, White or Black, for any Kind of Goods or Merchandizes, without Leave or Order from his or her Master or Owner, plainly signified or appearing, shall forfeit treble the Value of such Goods to the Owner; and the Servant, if a White, shall make Satisfaction to his or her Master or Owner by Servitude, after the Expiration of his or her Time, to double the Value of the said Goods: And if the Servant be a Black, he or she shall be severely whipped, in the most public Place of the Township where the Offence was committed.

Recorded A, Vol. I. p. 39.

C A P. L.

An A C T for the erecting and establishing a Post-Office.

Recorded A, Vol. I. p. 40.—Supplied by an Act of Parliament.

C A P. LI.

An A C T for the Assize of Bread.

Recorded A, Vol. I. p. 45.—This Act is repealed by 12 GEO. III.

C A P. LII.

An A C T for Priority of Payment to the Inhabitants of this Government.

Recorded A, Vol. I. p. 46.—Repealed in Council, February 7, 1705.

C A P. LIII.

An A C T for the regulating of Streets and Water-courses in the Cities and Towns of this Government.

Recorded A, Vol. I. p. 48.—Supplied by an Act of Assembly, 10 Queen ANNE, Cap. III. Sect. 2.

C A P. LIV.

An A C T for preventing Accidents that may happen by Fire in the Towns of *Bristol* (lately called *Buckingham*) *Philadelphia*, *Germantown*, *Darby*, *Chester*, *New-Castle* and *Lewes*, within this Government.

Supplied by an Act of Assembly passed the Year next following.

C A P LV.

An ACT to empower the Justices in each County to lay out and confirm all Roads, except the King's Highways and public Roads.

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That all the King's Highways or public Roads, within this Province, or Counties annexed, shall be laid out by Order of the Governor and Council for the Time being; which Roads shall be recorded in the Council Book, with the Courses thereof, as near as may be done.

The King's
Highways
how to be laid
out.

II. *AND be it further enacted by the Authority aforesaid*, That the Justices of each County Court, within this Government, shall, and by Virtue of this Act have Power, as often as they find needful, in open Court, to order and appoint six sufficient House-keepers of the Neighbourhood inhabiting near the Place where Complaint is made, for Want of a Road or Cart-way unto the public Road, who shall view the said Place; and if the said House-keepers, or any four of them, are satisfied that there is Occasion for a Road or Cart-way to be laid out, according to the Complainant or Complainants Desire, then they shall and may lay out the same, in and through such convenient Places as they shall think may be least to the Damage or Inconveniency of the Neighbours or Parties concerned, and least injurious to the Settlements thereabouts; and of such Breadth as the Justices shall order and appoint, so that it exceed not Fifty Feet; and shall make Return thereof under their Hands to the next County Court, after it is laid out: And if then and there the Justices approve the same, it shall at the same Court be entered upon Record, and from thenceforth be taken, deemed and allowed, to be a lawful Road or Cart-way from that Time forwards. *Provided*, That no such Road shall be carried through any Man's improved Lands, but where there is a Necessity for the same; and where that appears, the respective County Court shall appoint six indifferent Men to view and adjudge the Value of so much of such improved Lands as shall be taken up for the Use aforesaid, and the Value thereof shall be paid to the Owner of the said Land, out of the respective County Stock.

Cart-ways
to the public
Roads.

Breadth.

Altered by 9
GEO. II.
Cap. 2.

III. *AND to prevent any Difference that may arise among Neighbours, about Roads or Cart-ways, laid out by Order of the Governor and Council, or any of the County Courts in this Government, and which are or shall be entered upon Record, either before or after the making and publishing of this Act, Be it enacted by the Authority aforesaid*, That all such Roads and Cart-ways as before mentioned, shall be taken, deemed and allowed to be free, open and lawful Roads and Cart-ways, from the Time they are so laid out and recorded as aforesaid.

Roads shall
be free and
open.

IV. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall presume to stop or hinder any of the said Highways, or other Roads heretofore laid out, or hereafter to be laid out and allowed of as aforesaid, and shall commit any Nuisance therein, by falling of Trees, making Fences, or any other Way, and do not remove the same forthwith, such Person or Persons shall be fined in the Sum of *Five Pounds*, to be levied by Distress and Sale of the Offender's Goods and Chattels, to be employed by the County Court for the clearing and removing of the said Nuisances; and the Remainder thereof shall be employed by the said Court in repairing and clearing other Roads within the Township where the Offence was committed, any Law, Custom or Usage to the contrary hereof in any wise notwithstanding.

Nuisances in
High-Ways.

Recorded A, Vol. I. p. 49.

C A P. LVI.

An ACT for regulating and maintaining of Fences.

FOR preventing all Disputes and Differences that may arise through the Neglect or Insufficiency of Fences in this Province, and Counties annexed, BE IT ENACTED by the Proprietary and Governor, by and with the Advice

C

vice

How Fence
shall be
made. See
2 Geo. II.
Cap. 1.

Swine run-
ning at large
not within
this Act.

Damages to
be paid for
Trespasses
&c.

Division Fen-
ces how to be
maintained.

Differences
about Parti-
tion Fences
how to be
settled.

vice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That all Corn Fields and Grounds kept for Inclosures within the said Province and Counties annexed, shall be well fenced with Fence, at least five Feet high, of sufficient Rail or Logs, and close at the Bottom; and whosoever, not having their Grounds inclosed with such sufficient Fence as aforesaid, shall hurt, kill or do Damage to any Horse, Kine, Sheep, Hogs or Goats, of any other Persons, by hunting or driving them out of or from the said Grounds, shall be liable to make good all Damages sustained thereby to the Owner of the said Cattle. *Provided*, That all Sorts of Swine going at large, contrary to the Intent of an Act made and passed this present Session, entitled, *An Act for restraining of Swine from running at large*, shall not fall nor be deemed within the Construction of this Act. But if any Horse, Kine, Sheep, Hogs or Goats, or any Kind of Cattle, shall break into any Man's Inclosure, the Fence being of the aforesaid Height and Sufficiency, and by the View of two Persons, for that Purpose appointed by the County Court, found and approved to be such, then the Owner of such Cattle shall be liable to make good all Damages to the Owner of the Inclosure: For the first Offence single Damages only, and ever after double the Damages sustained. And all Persons having any unruly Horses, Mares or Cattle, that are not to be kept off by such Fences as aforesaid, are ordered, and shall be obliged, to take effectual Care to restrain the same from trespassing on their Neighbours Inclosures.

II. AND for the better ascertaining and regulating of Partition Fences, *Be it further enacted by the Authority aforesaid*, That where any Neighbours shall improve Lands adjacent to each other, or where any Person shall inclose any Land adjoining to another's Land already fenced in, so that any Part of the first Person's Fence becomes the Partition Fence between them, in both these Cases the Charge of such Division Fence (so far as inclosed on both Sides) shall be equally borne and maintained by both Parties. To which End, and the others in this Act mentioned, each County Court within this Province shall nominate, and is hereby impowered and required to nominate and appoint, so many honest and able Men as they shall think fit, for each County respectively, to view all such Fence and Fences, about which any Difference may happen or arise; and that the aforesaid Persons, in each County respectively, shall be the sole Judges of the Charge to be borne by the Delinquent, or by both or either Party, and of the Sufficiency of all Fences, whether Partition Fences or others; and where they judge any Fence to be insufficient, they shall give Notice thereof to the Owners or Possessors; and if any one of the said Owners or Possessors, upon the Request of the other, and due Notice given by the said Viewers, shall refuse to make or repair the said Fence or Fences, or to pay the Moiety of the Charge of any Fence before made, being a Division Fence, within ten Days after Notice given, that then, upon Proof thereof, before two Justices of the Peace of the respective County, it shall be lawful for the said Justices to order the Person aggrieved and suffering thereby to repair the said Fence or Fences, who shall be reimbursed his Cost and Charges, from the Person so refusing to make good the said Partition Fence or Fences; and that the said Costs and Charges shall be levied upon the Offender's Goods and Chattels, by Warrant from the said Justice, by Distress and Sale thereof, the Overplus, if any be, to be returned to the Party offending.

Recorded A, Vol. 1. p. 51.

C A P. LVII.

An A C T for the erecting of Bridges, and maintaining Highways.

9 GEO. I.
Cap. 7.
5 GEO. II.
Cap. 3.

Bridges by
whom to be
erected.

FOR the greater Conveniency and Ease of travelling in and through this Province, and Counties annexed, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That, within twelve Months after the Rising of this General Assembly, Bridges shall be built and maintained over all small Creeks and Rivulets, where the respective County Courts shall see Cause, from *The Falls of Delaware* to the utmost Parts of *Sussex* County, on the King's Road, ten Feet broad, with Rails on each Side; which County Courts, with the Concurrence of the Grand Jury, shall

shall agree with and appoint some Person or Persons to build such Bridges in their respective Counties, who shall be paid for the same out of the respective County Stocks. And where any Creek is the Bounds or Limits of two Counties, the Charge of a Bridge over such Creek shall be equally paid by each of the said Counties. And to that End, it shall be lawful for the Governor and Council to appoint and agree with Workmen to build such Bridges as aforesaid, and, when built, to certify the same, with the Charges thereof, to each of the said County Courts respectively, to be held next after such Bridges are finished; upon which the said Courts shall forthwith order their County Treasurer to pay such Undertaker or Undertakers, their respective County Moieties for the same.

II. *AND be it further enacted by the Authority aforesaid,* That all Trees, Stumps of Trees, and other Incumbrances, that lie in or cross any Highways, shall be cleared; and all Passages in and out of all Creeks in the King's Road, and all Passages in and out of all other Creeks, Runs and Branches, where other Roads are or shall be established, shall be made safe and easy both for Horse and Cart. And to that End, each respective County Court shall divide their County into as many Precincts as they shall think fit, and shall, every Seventh Month, yearly, nominate and appoint one Overseer of the Highways over every such Precinct, under the Penalty of *Ten Pounds*. And every such Overseer shall summon all the Inhabitants of his respective Precinct, as from Time to Time he shall see Occasion, upon the Penalty of *Five Pounds*, to come to such Place or Places as he shall appoint, and be there ready at or before the Sun be one Hour high, and continue to work thereat till within one Hour of Sun-set (Meal-times excepted) upon the Penalty of *Twenty Shillings* for each wilful Absence or Neglect; and in case of Non-payment, to be levied by Warrant from the Justices at the next County Court, directed to such Person as the said Court shall order and appoint, by Distress and Sale of Goods; which Distress shall be returned to the next Court ensuing, to the Benefit of that Precinct, towards the defraying of the Charge of the Highways and Bridges therein.

All Roads to be kept clear.

Overseers of the Highways to be appointed yearly for each Precinct, &c. See 12 GEO. III. Cap. 13. Sect. 18. A Part of this Clause is repealed.

III. *PROVIDED always,* That the said Overseers shall give each of the Inhabitants Six Days Notice before they are to go out as aforesaid. And if any public Road now is, or hereafter shall be laid out by Authority, over any Mill-race, which was cut before such Road was laid out, in such Case, if it be the King's Road, there shall be a Cart-bridge built and maintained over the said Mill-race at the Charge of the County in Manner aforesaid. And if it be any other than the King's Road, then the Overseer of the Precinct wherein it is, shall order the making and maintaining such Bridge: But if any Mill-race be cut through any public Road, which was by Authority laid out before the cutting thereof, then the Owner or Owners of the said Mill-race shall build such Bridge or Bridges as aforesaid, at his or their proper Cost and Charges.

Bridges over Mill-races by whom to be erected.

Recorded A, Vol. I. p. 53.

C A P. LVIII.

An ACT against Wears cross Creeks and Rivers.

TO the End that all Persons inhabiting upon or near any Creeks or Rivers in this Province, or Counties annexed, may enjoy all Privileges and Advantages that from them are to be reaped, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That whosoever shall make a Wear or Wears from one Side of any Creek or River in this Province, or Counties annexed, to the other Side thereof, shall, for every such Offence, pay *Ten Shillings*, and the Wear or Wears shall be destroyed. *Provided,* That this Act shall not extend to Mill-dams or Races, nor to such as make Wears on their own Lands, so as they shall not be injurious to others.

Wears not to be erected.

Recorded A, Vol. I. p. 55.

C A P. LIX.

An ACT against unreasonable firing of Woods.

Recorded A, Vol. I. p. 55.—Supplied and altered by 8 GEO. II. Cap. 3.

C A P.

C A P. LX.

An A C T about erecting and regulating the Prices of Ferries.
Recorded A, Vol. I. p. 55.—See 9 GEO. I. Cap. 13.

C A P. LXI.

An A C T for the Trial of Negroes.
Recorded A, Vol. I. p. 55.—Repealed in Council, *February 7, 1705.*

C A P. LXII.

An A C T to prevent sickly Vessels coming into this Government.

16 GEO. II.
Cap. 4.
2 GEO. III.
Cap. 2.

Sickly Vessels not to come within a Mile of Philadelphia, or other Town, without Licence.

WHEREAS it hath been found by sad Experience, that the Coming and Arriving of unhealthy Vessels at the Ports and Towns of this Province and Territories, and the Landing of their Passengers and Goods, before they have lain some Time to be purified, hath proved very detrimental to the Health of the Inhabitants of this Province, BE IT THEREFORE ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That from and after the Publication hereof, no unhealthy or sickly Vessels, coming from any unhealthy or sickly Place whatsoever, shall come nearer than one Mile to any of the Towns or Ports of this Province or Territories, without Bills of Health; nor shall presume to bring to Shore such Vessels, nor to land such Passengers or their Goods at any the said Ports or Places, until such Time as they shall obtain a Licence for their Landing at *Philadelphia*, from the Governor and Council, or from any two Justices of the Peace of any other Port or County of this Province or Territories, under the Penalty of *One Hundred Pounds* for every such unhealthy Vessel so landing as aforesaid, to the Use of the Proprietary and Governor. And that suitable Provision be ordered by the Governor and Council for their Reception, if they shall be permitted to land or come on Shore.

Recorded A, Vol. I. p. 59.

C A P. LXIII.

An A C T for the Sitting of the Orphans Courts.
Supplied by 11 ANNE, Cap. II.

C A P. LXIV.

An A C T requiring all Masters and Commanders of all Ships and Vessels, to make Report at the Town of *New-Castle*, that are or shall be bound to and from the Sea.

Recorded A, Vol. I. p. 59.—Obsolete.

C A P. LXV.

An A C T for the Levying of Fines.
Recorded A, Vol. I. p. 61.

C A P. LXVI.

The L A W about Departers out of this Province.
Recorded A, Vol. I. p. 61.

C A P. LXVII.

An A C T against the mixing and adulterating strong Liquors.
Recorded A, Vol. I. p. 62.

C A P. LXVIII.

The L A W against Scolding.
Recorded A, Vol. I. p. 62.—The four last mentioned Acts were repealed in Council, *February 7, 1705.*

C A P. LXIX.

The L A W about killing of Wolves.
Recorded A, Vol. I. p. 63.—Supplied by 11 GEO. I. Cap. 3.

C A P. LXX.

An A C T concerning Bills of Exchange.

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That if any Person or Persons, within this Province and Territories, shall draw or indorse any Bill or Bills of Exchange, upon any Person or Persons in *England*, or other Parts of *Europe*, and the same be returned back unpaid, with a legal Protest, the Drawer thereof, and all others concerned, shall pay and discharge the Contents of the said Bill or Bills, together with *Twenty Pounds per Cent.* Advance, for the Damage thereof; and so proportionable for greater or less Sums, in the same Specie as the said Bill or Bills were drawn, or current Money of this Province, equivalent to that was first paid to the Drawer or Indorser.

20 per Cent.
on protested
Bills of Ex-
change.

Recorded A, Vol. I. p. 64.

C A P. LXXI.

An A C T for regulating Money-weights, and for stamping the same.

Recorded A, Vol. I. p. 63.—Obsolete.

C A P. LXXII.

An A C T appointing the Rate of the Money or Coin within this Province and Territories, and for preventing the Clipping of the same.

Recorded A, Vol. I. p. 64.—Repealed in Council the 30th Day of *July*, 1703.

C A P. LXXIII.

An A C T for regulating Weights and Measures.

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province, and Territories thereunto belonging, in General Assembly met, and by the Authority of the same, That in each County of this Province and Territories there shall be had and obtained, within two Years after the making of this Law, at the Charge of each County, to be paid out of the County Levies, Standards of Brasses, for Weights and Measures, according to the King's Standards for the Exchequer; which Standards shall remain with such Officer in the Counties aforesaid, as shall be from Time to Time appointed by the Governor, with the Advice of the Council: And every Weight, according to its Scantling, and every Measure, as Bushels, Half-bushels, Pecks, Gallons, Pottles, Quarts and Pints, shall be made just Weights and Measures, and marked by him that shall keep the Standards. And that no Person within this Province and Territories shall presume to buy or sell by any Weights or Measures, not sealed or marked in Form aforesaid, and made just according to the Standards aforesaid, by the Officers in whose Possession the Standards remain, on Penalty of forfeiting *Five Skillings* to the Prosecutor, being convicted by one Justice of the Peace of the Unjustness of his Weights or Measures. And that once a Year at least, the said Officer, with the Grand Jury, or the major Part of them, or for Want of the Grand Jury, with such as shall be allowed and appointed by the respective County Courts aforesaid for Assistants, shall try the Weights and Measures in the Counties aforesaid; and those Weights and Measures as are defective, to be seized by the said Officer and Assistants: Which said Officer, for his Fees, for making each Bushel, Half-bushel and Peck just Measure, and marking the same that is large enough when brought to his Hands, shall have *Ten-pence*; and for every lesser Measure, *Three-pence*: For every Yard, *Three-pence*: For every Hundred and Half-Hundred Weight, being made just and marked, *Three-pence*; for every lesser Weight, *One Penny*. And if the Weights and Measures be made just before they be brought to him, then to have but Half the Fees aforesaid for marking the same. And if the said Officer shall refuse to do any Thing that is enjoined by this Law, for the Fees appointed, and be duly convicted thereof, he shall forfeit *Five Pounds*, to the Use of the Proprietary and Governor.

Standards of
Weights and
Measures to
be kept in
each County.

All Weights
and Measures
to be sealed,
and tried
once a Year.

The Officer's
Fees.

The Penalty
on Misbehaviour.

II. *PROVIDED* always, and it is hereby enacted, That the Brafs Half-bushel, now in the Town of *Philadelphia*, and a Bushel and Peck proportionable, and all lesser Measures and Weights coming from *England*, being duly sealed in *London*, or other Measures agreeable therewith, shall be accounted and allowed to be good by the aforefaid Officer, until the said Standards shall be had and obtained.

ANNE,
Cap. 22.

III. *AND* be it further enacted by the Authority aforesaid, That no Person shall sell Beer or Ale by Retail, but by Beer Measure, according to the Standard of *England*.

Recorded A, Vol. I. p. 65.

C A P. LXXIV.

An ACT to prevent the Sale of ill-tanned Leather, and working the same into Shoes and Boots.

Recorded A, Vol. I. p. 66.—Repealed in Council, February 7, 1705.

C A P. LXXV.

An ACT for keeping a Registry in Religious Societies.

Registries of
religious So-
cieties to be
Evidence.

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That the Registry now kept, or which shall hereafter be kept by any religious Society, in their respective Meeting-Book or Books, of any Marriage, Birth or Burial, within this Province, or Territories thereof, shall be held good and authentic; and shall be allowed of upon all Occasions whatsoever.

Recorded A, Vol. I. p. 67.

C A P. LXXVI.

An ACT for viewing Pipe-Staves.

Supplied by 32 GEO. II. Cap. 8.

C A P. LXXVII.

An ACT for preventing of Swine running at large.

Repealed by a Vote of the Legislature, October 17, 1700.—See Votes, Vol. I. p. 158.

C A P. LXXVIII.

An ACT that no Public House or Inn within this Government be kept without Licence.

Recorded A, Vol. I. p. 67.—Repealed in Council, February 7, 1705.

C A P. LXXIX.

An ACT for the better assessing and raising of County Levies for this present Year.—*Expired*.

C A P. LXXX.

An ACT for the ascertaining the Dimensions of Cask, and for the true packing of Meat for Transportation.

Preamble.

WHEREAS it is the Interest of all Governments, to exercise Truth and Uprightness in all their Trade and Dealings, which many Persons, for their private Interest, too often violate: To the End therefore that the same may be observed in the Traffic and Commerce of this Province and Territories, and especially that the Commodities generally exported to foreign Markets, may be good in respect of their Quality, and compleat in respect of their Quantity, and to prevent Differences about Measures, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That all tight Cask for Beer, Ale, Cyder, Pork, Beef and Oil, and all such Commodities, shall be made of good, sound well seasoned White-Oak Timber, and shall contain as followeth, *viz.* The Puncheon, Eighty-four Gallons; the Hogthead, Sixty-three Gallons; the Tierce, Forty-two Gallons; the Barrel, Thirty-one Gallons and an Half; and the Half-barrel, Sixteen Gallons

The Contents
of Cask.

Wine

Wine Measure, according to the Practice of our neighbouring Colonies : And that all Coopers set their Marks on the said Casks respectively, on Penalty of forfeiting the same.

II. *A N D* to prevent the Exportation of unsound and unmerchantable Beef and Pork, *Be it enacted by the Authority aforesaid*, That no Person, after the Publication hereof, shall presume to ship any Beef or Pork, before it be first viewed and packed or repacked by an Officer or Packer, to be for that Purpose appointed ; which shall, after the Officer's View and Approbation, be marked with the said Officer's Mark. And any Person or Persons that shall ship on board any Vessel any Beef or Pork, in order to be transported, without the said Officer's Mark as aforesaid, he or they, for every such Cask, shall forfeit and pay the Sum of *Ten Shillings*. And the Justices of the respective County Courts, within this Government, shall nominate and appoint such Officer or Packer as aforesaid ; which Officer shall have *Nine-pence* for the packing, pickling and heading of every Barrel.

Altered and
supplied by
13 GEO. II.
Cap. 2:

III. *A N D* *be it further enacted by the Authority aforesaid*, That all Biscuit and Flour, made for Transportation, shall be well made, and honestly and truly packed, for the Encouragement of our Trade and Credit, that those who purchase the same may not be cheated or defrauded. And all such Persons, that make Flour or Biscuit for Transportation, shall set their several Brand-marks on each Cask, before shipped, on the Penalty of *Five Shillings* for every Cask by them sold and unmarked as aforesaid. And if any Bread or Flour shall pass out of this Province or Territories false packed, and the same happen to be returned, in all such Cases the Persons offending shall pay, to the Party wronged, double Damages for the same.

Altered and
supplied by
7 GEO. II.
Cap. 2.

IV. *A N D* *be it further enacted by the Authority aforesaid*, That every Cooper, Baker and Boulter, shall enter, or cause their respective Brand-marks to be entered in a Book for that Purpose, to be kept by the said Officer or Packer.

V. *A N D* for the better enabling Coopers to comply with this Act, *Be it enacted by the Authority aforesaid*, That all Hoghead-staves shall be three Feet and a Half long, and three Inches broad, clear of Sap ; Barrel-staves two Feet and four Inches long, and three Inches broad, clear of Sap ; and that all Hoghead and Barrel-staves, that are not of the aforesaid Dimensions, shall be accounted not merchantable, but be reckoned two for one.

Altered and
supplied by
23 GEO. II.

VI. *A N D* that the Tobaccos made and raised in this Government may be at least with equal Reputation abroad with those of other Colonies, it is necessary that the Planters and Makers thereof use Honesty in the handling, and Faithfulness in the packing thereof, *Be it therefore enacted by the Authority aforesaid*, That all Tobacco Hogheads shall be made of good seasoned Timber, four Feet long, or within an Inch more or less, and Thirty-two Inches in the Head, equal with the Gauge of *Maryland*, four of which Hogheads shall be accounted a Ton ; and every Cask, in which Tobacco is to be packed, shall be first tared, and marked with the true Tare thereof, by the Planter or Packer of such Tobacco, under the Penalty of *Twenty Shillings*, to be forfeited by the said Planter to the Person that may be wronged thereby. *Provided*, That, by Reason of the Differences often found between Steelyards and Scales, no Person shall be liable to pay the Penalty aforesaid, where the Difference in one Draught is not above five Pounds Weight. And for every Tobacco Hoghead, of the Dimensions aforesaid, the Buyer shall allow to the Planter or Seller *Five Shillings*, current Money of *Pennsylvania*.

Dimensions
of Tobacco
Hogheads.

Pricethereof.

VII. *A N D* *be it further enacted by the Authority aforesaid*, That if any Person, after the Publication hereof, wilfully and fraudulently pack, or cause to be packed into Hogheads, and offer to Sale any Trash or Seconds, rotten or frost-bitten Tobacco, or such as shall be altogether unmerchantable, or otherwise than what shall appear upon the Head or Outside of the said Tobacco, when packed, and the same be discovered and found out before it be removed from the Place of Sale, being duly convicted thereof, shall pay for every such Hoghead, so packed, *Forty Shillings*, current Money of this Government, to the Poor of the County where the Offence shall be committed, any Law, Usage or Custom, to the contrary notwithstanding.

Penalty on
Tobacco
not being
honestly
packed.

VIII. *A N D* *be it further enacted by the Authority aforesaid*, That no Bread or Flour Cask shall be made for Transportation, of larger Dimensions than double the Gauge of the Wine Measure above-mentioned, *viz.* The Half-barrel not to exceed Thirty-one Gallons and a Half, the Barrel Sixty-three Gallons, and so proportionably.

Dimensions
of Flour
Cask.

IX. *P R O*-

IX. *PROVIDED* always, That any Person may make Cask as much less as they please, to suit any Market.

Recorded A, Vol. I. p. 68.

C A P. LXXXI.

An A C T about cutting Timber-Trees.

Penalty on
cutting or
falling
Trees.

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That if any Person or Persons, within this Province or Territories, shall be convicted of cutting or falling any Black Walnut-trees upon another Person's Land, without Leave, he shall forfeit, to the Owner thereof, *Five Pounds* for every Tree so felled and cut; and for other Timber, *Fifty Shillings* each Tree; and for Fire or Under-wood, double the Value thereof, to the Use aforesaid.

Recorded A, Vol. I. p. 71.

C A P. LXXXII.

The L A W against Drunkenness and Healths drinking.

Recorded A, Vol. I. p. 71.—Repealed in Council, *February 7, 1705.*

C A P. LXXXIII.

An A C T for bailing of Prisoners, and about Imprisonment.

Repealed in Council, *February 7, 1705.*

C A P. LXXXIV.

An A C T against Pirates and Sea Robbers.

Recorded A, Vol. I. p. 72.—Repealed in Council, *February 7, 1705.*

C A P. LXXXV.

An A C T for granting an Impost upon Wines, Rum, Beer, Ale, Cyder, &c. imported, retailed and sold, in this Province and Territories.

Recorded A, Vol. I. p. 77.—Expired.

C A P. LXXXVI.

An A C T for the raising of *One Penny per Pound*, and *Six Shillings per Head*, for the Support of the Government, and Payment of Debts, and defraying the necessary Charge thereof.

Recorded A, Vol. I. p. 81.—Expired.

C A P. LXXXVII.

An A C T for granting and raising to the Proprietary and Governor the Sum of *Two Thousand Pounds*, upon the clear Value of all real and personal Estates, and upon the Polls of all Freemen, within this Province and Counties annexed.

Recorded A, Vol. I. p. 85.—Expired.

C A P. LXXXVIII.

An A C T for the effectual Establishment and Confirmation of the Freeholders of this Province and Territories, their Heirs and Assigns, in their Lands and Tenements.

Recorded A, Vol. I. p. 89.—Repealed in Council, *February 7, 1705.*

C A P. LXXXIX.

An A C T for erecting a Bridge over the Creek at *Chester*, in the County of *Chester*.

Recorded A, Vol. I. p. 94.—Repealed in Council, *February 7, 1705.*

C A P. XC.

An A C T about Country Product, to be current Pay in the Territories of the Province of *Pennsylvania*.

Recorded A, Vol. I. p. 96.—This Law concerns the Three Lower Counties only.

C A P. XCI.

The L A W for continuing and confirming the Laws hereafter expressed.
The several Laws passed in the Year 1693, and mentioned in this Act, are as follow.

C A P.

C A P. XCII.

The L A W about Court Proceedings and Summons.

Recorded A, Vol. I. p. 96.—Supplied by 11 GEO. I. Cap. IV.

C A P. XCIII.

The L A W about Trials by Twelve Men.

Recorded A, Vol. I. p. 97.—Repealed in Council, *February 7, 1705.*

C A P. XCIV.

The L A W about Arrests, and making Debtors pay by Servitude.

Recorded A, Vol. I. p. 97.

C A P. XCV.

The L A W about false Imprisonment;

Recorded A, Vol. I. p. 99.

C A P. XCVI.

The L A W about acknowledging Deeds in Courts.

Recorded A, Vol. I. p. 99.

C A P. XCVII.

The L A W about seven Years Possession.

Recorded A, Vol. I. p. 100.—The four last mentioned Laws were repealed in Council, *February 7, 1705.*

C A P. XCVIII.

The L A W about summoning of Juries.

Recorded A, Vol. I. p. 100.—Obsolete.

C A P. XCIX.

The L A W about the Manner of giving Evidence, and against such as lie in Conversation.

Recorded A, Vol. I. p. 100.—Repealed in Council, *February 7, 1705.*

C A P. C.

The L A W about Appeals to the Province Courts.

C A P. CI.

The L A W about Forms of Writs.

Recorded A, Vol. I. p. 101.—Supplied and repealed by 11 GEO. I. Cap. IV.

C A P. CII.

The L A W against Persons judging in their own Cause.

TO the End that Justice may have its free Course in this Province or Territories, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That no Member of a Court of Justice shall sit in Judgment whilst his own Cause is upon Trial; and if an Appeal shall at any Time be made from the Judgment of a Court to the Provincial Judges, or to the Governor and Council, *It is hereby further enacted,* That no Judge or Member of Council shall sit in Judgment upon that Appeal.

Recorded A, Vol. I. p. 102.

C A P. CIII.

An A C T about Officers Fees.

Supplied by 26 GEO. II.

C A P. CIV.

The L A W about Indian Traders.

Recorded A, Vol. I. p. 102.—Obsolete.

At a GENERAL ASSEMBLY begun and holden at *Philadelphia*, the 15th Day of *September*, Anno Dom. 1701, and in the 13th Year of WILLIAM III. and ended the 28th of *October* following.

C A P. I.

The L A W for Confirmation of the Laws of this Government.
Recorded A, Vol. I. p. 106.—Repealed in Council, *February 7, 1705.*

C A P. II.

An A C T for establishing Courts of Judicature.
Recorded A, Vol. I. p. 110.—Repealed in Council, *February 7, 1705.*

C A P. III.

An A C T directing the Punishment of Larceny under *Five Shillings*.
Recorded A, Vol. I. p. 121.—Supplied by 7 GEO. I. Cap. IV.

C A P. IV.

An A C T about Attachments under *Forty Shillings*.
Repealed by 26 GEO. II. Cap. II.

C A P. V.

An A C T for the preventing of clandestine Marriages.

See the Supplement to this Act, 3 GEO. II. Cap. 4.

Marriages before a Justice of the Peace.

Servants not to marry, without their Masters Consent.

FOR the preventing of clandestine, loose and unseemly Proceedings in Marriage, within this Province and Counties annexed, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That all Marriages not forbidden by the Law of GOD shall be encouraged; but the Parents or Guardians shall, if conveniently they can, be first consulted with, and the Parties Clearness of all Engagements, signified by a Certificate from some credible Person where they have lived, or do live, produced to such religious Society to which they relate, or to some Justice of the Peace of the County in which they live, and by their affixing their Intentions of Marriage on the Court-House or Meeting-House Doors in each respective County where the Parties do reside or dwell, one Month before Solemnization thereof; the which said Publication, before it be so affixed as aforesaid, shall be brought before one or more Justices of the Peace, in the respective Counties to which they respectively belong; which Justice shall subscribe the said Publication, witnessing the Time of such Declaration, and Date of the said Publication, so to be affixed as aforesaid. And that all Marriages shall be solemnized by taking each other for Husband and Wife, before Twelve sufficient Witnesses; and the Certificate of their Marriage, under the Hands of the Parties and Witnesses, at least Twelve, and one of them a Justice of the Peace, shall be brought to the Register of the County where they are married, and registered in his Office. And if any Servant or Servants shall procure themselves to be married, without Consent of his or her Master or Mistress, such Servant or Servants shall, for such their Offence, each of them serve their respective Masters or Mistresses one whole Year, after the Time of their Servitude by Indenture or Engagement is expired. And if any Person, being free, shall marry with a Servant as aforesaid, he or she so marrying shall pay to the Master or Mistress of the Servant, if a Man, *Twelve Pounds*, and if a Woman, *Six Pounds*, or one Year's Service; and the Servant so being married, shall abide with his or her Master or Mistress, according to Indenture or Agreement, and one Year after as aforesaid. And if any Person shall presume to marry, or be Witnesses to any Marriage, contrary to this Act, such Person so married,

ried, shall forfeit *Twenty Pounds*, to the Proprietary and Governor; and the Witnesses being present at such Marriage shall forfeit and pay each of them *Five Pounds*, to the Use of the Proprietary and Governor as aforesaid, and pay Damages to the Party grieved, to be recovered in any Court of Record within this Government. Penalty on Persons marrying contrary to this Act.

II. *PROVIDED*, That this Law shall not extend to any who shall marry or be married in the religious Society to which they belong, so as Notice shall be given by either of the Parties to the Parents, Masters, Mistresses or Guardians, one full Month, at least, before any such Marriage be solemnized. Marriages in religious Societies, &c. excepted.

III. *AND it is further enacted by the Authority aforesaid*, That no Licence or Dispensation shall hinder or obstruct the Force or Operation of this Act, in respect of Notice to be given to Parents, Masters, Mistresses or Guardians as aforesaid.

Recorded A, Vol. I. p. 123.

C A P. VI.

An A C T for preventing Accidents that may happen by Fire in the Towns of *Bristol* (formerly called *Buckingham*) *Philadelphia*, *Germantown*, *Darby*, *Chester*, *New-Castle*, and *Lewes*, within this Government.

Recorded A, Vol. I. p. 124.

A Part of this Act is repealed and supplied by 7 Geo. I. and the rest of it obsolete.

C A P. VII.

An A C T against Swine running at large in several of the Townships within this Government.

Recorded A, Vol. I. p. 126.—Repealed in Council, February 7, 1705.

C A P. VIII.

An A C T for the Destruction of Blackbirds and Crows.

WHEREAS it manifestly appears by the innumerable Quantities of Blackbirds and Crows that continually haunt in this Province and Territories, to the great Prejudice, Hurt and Annoyance of the Inhabitants thereof, being very destructive to all Sorts of Corn and Grain that is raised therein, so that Peoples Labour is much destroyed thereby: And that the People may for the future be the better encouraged in their Labour and Industry, by destroying such Birds, thereby to hinder their great Increase, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That whosoever shall, at any Time hereafter kill, either Blackbirds or Crows, shall, for all such Blackbirds that he or they shall so kill, have *Three-pence* the Dozen, and for every Crow *Three-pence*. *Provided*, That such Person or Persons do, and shall bring the Heads of all such Blackbirds or Crows to such Person or Persons as shall, by the respective County Courts in each County within this Province and Territories, be appointed to receive and take an Account of the same; which said County Courts are hereby impowered and required, yearly to appoint, from Time to Time, as many Persons as they think convenient for that Service. And that such Person or Persons, who shall be appointed to receive and take an Account of all such Blackbirds and Crows as aforesaid, shall have and receive for the same, after the Rate of *Ten per Cent*. All which said Sum or Sums of Money as the same shall amount unto, shall be defrayed and paid out of the public Stock; to be levied and raised in such Manner and Form in each County, as other public Charges of this Government are used to be raised and discharged. Reward for killing Blackbirds and Crows. Vide County Levy Act. 11 Geo. I. Cap. 3.

II. *PROVIDED*, That all and every such Person and Persons, who are so appointed to receive and take Account of the Heads of all such Blackbirds and Crows, that shall be brought to them by the Inhabitants as aforesaid, be attested to the faithful Discharge of their Duty therein, and to keep an exact Account thereof, which Account shall be deemed good and effectual: And that such Persons shall yearly bring in their Accounts to the Court and Grand Jury, at such Time as is by Law appointed for calculating the public Charges of the County.

Recorded A, Vol. I. p. 127.

C A P.

C A P. IX.

An A C T for the Sale of the Court-House and Prison in the County of *Chesler*.
Recorded A, Vol. I. p. 128.—Obsolete.

C A P. X.

An A C T against selling Rum and other strong Liquors to the
Indians.

8 GEO. I.
Cap. 9.

WHEREAS our Proprietary and Governor, and the Representatives of the Freemen of this Province and Territories, in General Assembly met, are still desirous to induce the *Indian* Nations to the Love of the Christian Religion, by the gentle, sober and just Manners of professed Christians (under this Government) towards them: And it being too obvious that divers Persons within this Province, have used and practised the selling of Rum, Brandy and other strong Liquors in such Quantities to the *Indians*, many of whom are not yet able to govern themselves in the Use thereof (as by sad Experience is too well known) that they are generally apt to drink to great Excess; whereby they are not only liable to be cheated, and reduced to great Poverty and Want, but sometimes inflamed to destroy themselves and one another, and terrify, annoy and endanger the Inhabitants. And forasmuch as several *Sachems* or *Sachamacks*, Kings of the Indian Nations, have, in their Treaties with the Proprietary and Governor, earnestly desired that no *European* should be permitted to carry Rum to their Towns, because of the Mischiefs before expressed: And since these evil Practices plainly tend to the great Dishonour of GOD, Scandal of the Christian Religion, and Hindrance to the embracing thereof, as well as drawing the Judgments of GOD upon the Country, if not timely prevented: For the Prevention whereof for the future, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Assent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That if any Person, inhabiting in this Province, or others, shall, after the Publication hereof, directly or indirectly sell, barter, give or exchange, by themselves or others, any Rum, Brandy or other Spirits, mixed or unmixed, to or with any *Indian* within this Province, and be lawfully convicted thereof, shall, for every such Offence, forfeit *Ten Pounds*, one Half to the Use of the County wherein he is convicted, and the other Half to the Discoverer and Prosecutor; to be recovered in any Court of Record within this Government, any Law, Usage or Custom to the contrary in any wise notwithstanding.

Ten Pounds
Forfeiture
for selling
Rum to the
Indians.

How to
convict the
Offenders.

II. AND whereas it hath been very difficult to prevent this Evil, for Want of Proof against the Offenders, because they privately deal with the *Indians*, and very often back in the Woods, out of the View of any but themselves: *Therefore be it enacted by the Authority aforesaid*, That the Evidence of one professed Christian, with other probable Circumstances, to the Satisfaction of the Court and Jury, shall be sufficient to convict the Offenders herein.

Rum, &c.
carried to
their Towns
to be forfeited.

III. *AND be it further enacted by the Authority aforesaid*, That all Rum, Brandy or other strong Liquors, that shall be carried or offered to Sale or Disposal, to or at any of the *Indian* Towns or Habitations, within the Bounds of this Province, the same shall be forfeit, and is hereby declared to be forfeited, one Third to the Governor, and two Thirds to such Person or Persons as shall seize the same. And all Persons, as well *Indians* as others, are hereby impowered to seize and secure all such Rum, Brandy or other strong Liquors, so found at any *Indian* Towns or Settlements as aforesaid.

No Person to
take any
Pawn of an
Indian.

IV. AND whereas some Persons in this Province have heretofore taken Match-Coats, Guns, Kettles, and other Necessaries of Hunting and Cloathing, in Pawn from the *Indians*; whereby, being disabled to hunt, they have been deprived of a necessary Subsistence: For Prevention whereof for the future, *Be it enacted by the Authority aforesaid*, That no Person within this Province, shall at any Time hereafter, take or receive of any *Indian*, any Pawn whatsoever, for any Rum, Brandy or other strong Liquors, or other Goods, under any Pretence whatsoever, under the Penalty of forfeiting of such Pawn to the *Indian* or *Indians* so pawning the same as aforesaid, over and above the Fine of *Ten Pounds* aforesaid:

aforesaid : The said Pawn, forfeited as aforesaid, to be seized by Warant from the next Justice of the Peace, directed to the Constable of the Place where such Offenders shall live, upon Complaint and sufficient Proof made thereof to him as aforesaid.

Recorded A, Vol. I. p. 129.

CONFIRMATIONS and REPEALS.

At the COURT at *St. James's*, the Seventh Day of *February*, 1705.

P R E S E N T,

The QUEEN's most Excellent MAJESTY,

Lord Archbishop of *Canterbury*,
Lord Keeper,
Lord Treasurer,
Lord President,
Duke of *Ormond*,
Duke of *Marlborough*,
Lord Chamberlain,
Earl of *Stanford*,
Earl of *Radnor*,

Earl of *Berkeley*,
Earl of *Bradford*,
Lord Viscount *Gholmondely*,
Lord *Conningesby*,
Mr. Secretary *Hedges*,
Mr. Secretary *Harley*,
Lord Chief Justice *Holt*,
Mr. *Vernon*,
Mr. *How*.

WHEREAS by Letters Patents granted by his late Majesty, King CHARLES the Second, to WILLIAM PENN, Esquire, for the Proprietaryship and Government of the Province of *Pennsylvania*, in *America*, bearing Date the Fourth of *March*, 1680, the said WILLIAM PENN is impowered, with the Advice of the Freemen of that Province, or their Deputies, in General Assembly met, to enact Laws for the good Government of the said Province, under a Proviso, that such Laws be not repugnant or contrary to, but so far as conveniently may be agreeable with, the Laws of *England*. As also, that a Transcript or Duplicate of all such Laws be, within five Years after the making thereof, transmitted and delivered to the Lords of the Privy Council; and that if any of the said Laws, within the Space of Six Months after they shall be delivered as aforesaid, be declared by her Majesty to be void, the said Laws shall thenceforth become null and void accordingly, otherwise to remain in full Force. And the Lords Commissioners for Trade and Plantations having this Day laid before her Majesty in Council, a Collection of Laws which they had received from Mr. PENN, under the Seal of that Province, which he hath certified to be signed and passed by him in that Province, in the Years 1700 and 1701; the Titles whereof are as follow, viz.

The Law concerning Liberty of Conscience.

An Act against Riots, Rioters and riotous Sports, Plays and Games.

— against Adultery and Fornication, &c.

— against Rape or Ravishment.

— against Incest, Sodomy and Bestiality.

— against Bigamy.

— against Robbing and Stealing.

— against breaking into Houses.

— against firing of Houses, &c.

— against Murder.

— for County Seals, and against counterfeiting Hands and Seals.

— about recording of Deeds.

— limiting the Presentments of the Grand Jury.

The Law about Attachments.

An Act for Naturalization.

— for the ascertaining the Descent of Lands, and better Disposition of Estates of Persons intestate.

— to prevent immoderate Fines.

— about Defalcation.

— determining Debts under *Forty Shillings*.

— to oblige Witnesses to give Evidence, and to prevent false Swearing.

— confirming Devises of Lands, and Validity of uncupative Wills.

— for empowering Widows and Administrators to sell so much of the Land of Intestates, as may be sufficient to clear their Debts, &c.

An Act for Priority of Payments to the Inhabitants of this Government.

— for the Trial of *Negroes*.

— about Departers out of this Province.

— against the mixing and adulterating strong Liquors.

The Law against Drunkenness, and Healths-drinking.

An Act for bailing of Prisoners, and about Imprisonment.

— for the effectual Establishment and Confirmation of the Freeholders of this Province and Territories, their Heirs and Assigns, in their Lands and Tenements.

The Law about Arrests, and making Debtors pay by Servitude.

— about false Imprisonment.

— about acknowledging Deeds in Court.

— about seven Years Possession.

— about the Manner of giving Evidence, and against such as lie in Conversation.

The Law for the Confirmation of the Laws of this Government.

An Act against Menacing, and Assault and Battery.

— against Sedition, spreading false News, and Defamation.

— of Privileges to a Freeman.

— for the Names of Days and Months.

— to ascertain the Number of Members of Assembly, and to regulate the Elections.

An Act directing the Attends of several Officers and Ministers.
 — against speaking in Derogation of Courts.
 — for the Preservation of the Person of the Proprietary and Governor.
 — requiring all Masters and Commanders of all Ships and Vessels to make Report at the Town of *New-Castle*, that are or shall be bound to and from the Sea.
 — for the levying of Fines.
 The Law against Scolding.
 An Act to prevent the Sale of ill-tanned Leather, and working the same into Shoes and Boots.
 — that no Public-house or Inn within this Government be kept without Licence.
 — against Pirates and Sea-robbers.
 — for erecting a Bridge over the Creek at *Chester*, in the County of *Chester*.
 The Law about Trials by Twelve Men.
 An Act for establishing Courts of Judicature in this Province, and the Counties annexed.
 — against Swine running at large in several of the Townships within this Government.
 — about Boats and Canoes.
 — against forcible Entry.
 — against removing of Land-marks.
 — against Defacers of Charters, &c.
 — for regulating the Interest of Money.
 — against buying Lands of the Natives.
 — directing how petty Offences shall be punished.
 — for the better Provision for the Poor within this Province and Territories.
 — about binding to the Peace.
 — for raising County Levies.
 — for the better Attendance of the Justices on the several Courts of Judicature within this Province and Territories.
 — against Jurors absenting themselves, being lawfully summoned to attend the General Courts of Judicature within this Province and Territories.
 — for the Appraisement of Goods.
 — against Barrators.
 — to prevent the grievous Sins of Cursing and Swearing within this Province and Territories.
 — to prevent all Duelling, and fighting of Duels, within this Province and Territories.
 — for the taking of Land in Execution for the Payment of Debts, where the Sheriffs cannot come at other Effects to satisfy the same.
 — for the better Regulation of Servants within this Province and Territories.
 — for erecting and establishing a Post-Office.
 — for the Assize of Bread.
 — to empower the Justices in each County to lay out and confirm all Roads, except the King's Highways and public Roads.

An Act for regulating and maintaining of Fences.
 — for the erecting of Bridges, and maintaining Highways.
 — against Wears cross Creeks and Rivers.
 — against unseasonable bring of Woods.
 — about erecting and regulating the Prices of Ferries.
 — to prevent fickle Vessels coming into this Government.
 The Law about killing of Wolves.
 An Act for regulating of Money-weights, and for stamping the same.
 — concerning Bills of Exchange.
 — appointing the Rates of Money, or Coin, within this Province.
 — for regulating Weights and Measures.
 — for keeping a Regiltry in religious Societies.
 — for the ascertaining the Dimensions of Casks, and for the true packing of Meat for Transportation.
 — about cutting of Timber-Trees.
 — for granting an Impost upon Wines, Rum, Beer, Ale, Cyder, &c. imported, retailed and sold, in this Province and Territories.
 — for raising *One-penny per Pound*, and *Six Shillings per Head*, for the Support of the Government, and Payment of Debts, and defraying the necessary Charges thereof.
 — for granting and raising to the Proprietary and Governor the Sum of *Two Thousand Pounds*, upon the clear Value of all real and personal Estates, and upon the Polls of all Freemen, within this Province, and the Counties annexed.
 — about Country Product to be current Pay in the Territories of the Province of *Pennsylvania*.
 The Law about Court Proceedings, and summoning Juries.
 — about Forms of Writs.
 — against Persons judging in their own Causes.
 — about *Indian* Traders.
 — about Officers Fees.
 An Act for the Punishment of Larceny under *Five Shillings*.
 — about Attachments under *Forty Shillings*.
 — for the preventing of clandestine Marriages.
 — for preventing Accidents that happen by Fire in the Towns of *Bristol* (formerly called *Buckingham*) *Philadelphia*, *Germantown*, *Darby*, *Chester*, *New-Castle* and *Lewes*, within this Government.
 — for the Destruction of Blackbirds and Crows.
 — for the Sale of the Court-house and Prison in the County of *Chester*.
 — against selling Rum and other strong Liquors to the *Indians*.

ALL which Laws having been perused and duly considered by the said Lords Commissioners for Trade and Plantations, together with the Opinion of her Majesty's Attorney-General upon several of them, in Point of Law; and the said Commissioners having this Day humbly represented to her Majesty, that they find divers Reasons for her Majesty's disallowing and repealing these Laws following, viz.

The Law concerning Liberty of Conscience.

An Act against Riots, Rioters and riotous Sports, Plays and Games.

An Act against Adultery and Fornication, &c.

An Act against Rape or Ravishment.

An Act against Incest, Sodomy and Bestiality.

An Act against Bigamy.

An Act against Robbing and Stealing.

An Act against breaking into Houses.

An Act against firing of Houses, &c.

An Act against Murder.

An Act for County Seals, and against counterfeiting *Hamlets* and Seals.

An Act about recording of Deeds.

An Act limiting the Presentments of the Grand Jury.

The Law about Attachments.

An Act for Naturalization.

An Act for the ascertaining the Descent of Lands, and better Disposition of Estates of Persons intestate.

An Act to prevent immoderate Fines.

An Act about Defalcation.

An Act determining Debts under Forty Shillings.

An Act to oblige Witnesses to give Evidence, and to prevent false Swearing.

An Act confirming Devices of Lands, and Validity of nuncupative Wills.

An Act for empowering Widows and Administrators to sell so much of the Land of Intestates, as may be sufficient to clear their Debts, &c.

An Act for Priority of Payments to the Inhabitants of this Government.

An Act for the Trial of Negroes.

An Act about Departers out of this Province.

An Act against the mixing and adulterating strong Liquors.

The

The Law against Drunkenness and Healths-drinking.
An Act for bailing of Prisoners, and about Imprisonment.
An Act for the effectual Establishment and Confirmation of the Freeholders of this Province and Territories, their Heirs and Assigns, in their Lands and Tenements.
The Law about Arrests, and making Debtors pay by Servitude.
The Law about false Imprisonment.
The Law about acknowledging Deeds in Court.
The Law about seven Years Possession.
The Law about the Manner of giving Evidence, and against such as lie in Conversation.
The Law for the Confirmation of the Laws of this Government.
An Act against Menacing, and Assault and Battery.
An Act against Sedition, spreading false News, and Defamation.
An Act of Privileges to a Freeman.
An Act for the Names of Days and Months.
An Act to ascertain the Number of Members of Assembly, and to regulate the Elections.

An Act directing the Attests of several Officers and Ministers.
An Act against speaking in Derogation of Courts.
An Act for the Preservation of the Person of the Proprietary and Governor.
An Act requiring all Masters and Commanders of all Ships and Vessels to make Report at the Town of New-Castle, that are or shall be bound to and from the Sea.
An Act for the levying of Fines.
The Law against Scolding.
An Act to prevent the Sale of ill-tanned Leather, and working the same into Shoes and Boots.
An Act that no Public-House or Inn within this Government be kept without Licence.
An Act against Pirates and Sea Robbers.
An Act for erecting a Bridge over the Creek at Chester, in the County of Chester.
The Law about Trials by Twelve Men.
An Act for establishing Courts of Judicature in this Province, and the Counties annexed.
An Act against Swine running at large in several of the Townships within this Government.

WHICH Laws, together with the Reasons for repealing the same, having been this Day taken in Consideration at the Board, her Majesty, with the Advice of her Privy Council, hath thought fit to declare her Disallowance and Disapprobation of the said several Laws last above-mentioned; and accordingly the same are hereby repealed, annulled, and made void and of none Effect, to all Intents and Purposes whatsoever.

JOHN P O V E R.

Vera Copia, JOS. GROWDON, Speaker.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1705, in the Fourth Year of Queen ANNE, and continued, by Adjournments, to the Twelfth Day of *February* following.

C A P. I.

The L A W concerning Liberty of Conscience.

ALMIGHTY GOD being only LORD of Conscience, Author of all divine Knowledge, Faith and Worship, who can only enlighten the Minds, and convince the Understanding of People; in due Reverence to his Sovereignty over the Souls of Mankind, and the better to unite the Queen's Christian Subjects in Interest and Affection, BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Person now, or at any Time hereafter, dwelling or residing within this Province, who shall profess Faith in GOD the Father, and in JESUS CHRIST his only Son, and in the HOLY SPIRIT, One GOD blessed for evermore, and shall acknowledge the Holy Scriptures of the Old and New-Testament to be given by divine Inspiration, and, when lawfully required, shall profess and declare that they will live peaceably under the civil Government, shall, in any Case, be molested or prejudiced for his or her conscientious Persuasion, nor shall he or she be at any Time compelled to frequent or maintain any religious Worship-place or Ministry whatsoever, contrary to his or her Mind, but shall freely and fully enjoy his or her Christian Liberty in all Respects, without Molestation or Interruption,

Charter of Privileges, Sect. 2.

Liberty of Conscience, and of religious Worship, to whom allowed.

C A P. II.

An ACT against Murder and Manslaughter.

Recorded A, Vol. I. p. 139.—See the Act for the Advancement of Justice, 4 GEO. I. Cap. VI.

C A P. III.

An ACT against Burglary.

Recorded A, Vol. I. p. 140.—Supplied by 4 GEO. I. Cap. VI. Sect. 17.

C A P. IV.

An ACT against Robbing and Stealing.

Recorded A, Vol. I. p. 141.—Altered and supplied by 4 GEO. I. Sect. 11.

C A P. V.

An ACT to restrain People from Labour on the First Day of the Week.

Penalty on
working up-
on the First
Day of the
Week.

TO the End that all People within this Province may, with the greater Freedom, devote themselves to religious and pious Exercises, BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That according to the Example of the primitive Christians, and for the Ease of the Creation, every First Day of the Week, commonly called *Sunday*, all People shall abstain from Toil and Labour, that, whether Masters, Parents, Children, Servants, or others, they may the better dispose themselves to read and hear the Holy Scriptures of Truth at Home, and frequent such Meetings of religious Worship Abroad, as may best suit their respective Persuasions. And that no Tradesman, Artificer, Workman, Labourer or other Person whatsoever, shall do or exercise any worldly Business or Work of their ordinary Callings on the First Day, or any Part thereof (Works of Necessity and Charity only excepted) upon Pain, that every Person so offending shall, for every Offence, forfeit the Sum of *Twenty Shillings*, to the Use of the Poor of the Place where the Offence was committed; being thereof convicted before any Justice, either upon his View, Confession of the Party, or Proof of one or more Witnesses. And the said Justice shall give a Warrant, under his Hand and Seal, to the next Constable where such Offence shall be committed, to levy the said Forfeiture or Penalty, by Distress and Sale of the Offender's Goods and Chattels, rendering to the said Offender the Overplus of the Money raised thereby.

Exception.

II. *PROVIDED always*, That nothing in this Act contained shall extend to prohibit the Dressing of Victuals in Families, Cook-shops or Victualing-houses, or to Watermen landing their Passengers on the First Day of the Week; nor to Butchers their killing and selling of Meat, or Fishermen from selling Fish on the Morning of the First Day of the Week, in the Fourth, Fifth and Sixth Months, called *June*, *July* and *August*; nor to the crying of Milk, before Nine of the Clock in the Morning, or after Five in the Afternoon.

Limitation of
Prosecutions.

III. *PROVIDED also*, That no Person shall be impeached, presented or molested, for any Offence before mentioned in this Act, unless he or they be prosecuted for the same within ten Days after the Offence committed.

No Writs,
&c. to be
served, ex-
cept for
Treason, &c.

IV. *And be it further enacted by the Authority aforesaid*, That no Person or Persons, upon the First Day of the Week, shall serve or execute, or cause to be served or executed, any Writ, Precept, Warrant, Order, Judgment or Decree, except in Cases of Treason, Felony, or Breach of the Peace; but that the serving of any such Writ, Precept, Warrant, Order, Judgment or Decree, shall be void to all Intents and Purposes whatsoever: And the Person or Persons, so serving or executing the same, shall be as liable to the Suit of the Party grieved, and to answer Damages to him for doing thereof, as if he or they had done the same without any Writ, Precept, Warrant, Order, Judgment or Decree at all.

V. *AND be it further enacted*, That all Persons who are found drinking and tippling in Ale-houses, Taverns, or other public House or Place, on the First

First Day of the Week, commonly called *Sunday*, or any Part thereof, shall, for every Offence, forfeit and pay *One Shilling and Six-pence*, to any Constable that shall demand the same, to the Use of the Poor : And all Constables are hereby impowered, and by Virtue of their Office required, to search public Houses and Places suspected to entertain such Tipplers, and them, when found, quietly to disperse ; but in case of Refusal, to bring the Persons so refusing before the next Justice of the Peace, who may commit such Offenders to the Stocks, or bind them to their good Behaviour, as to him shall seem requisite. And the Keepers of such Ale-Houses, Taverns, or other public House or Place, as shall countenance or tolerate any such Practices, being convicted thereof, by the View of a single Magistrate, his own Confession, or the Proof of one or more credible Witnesses, shall, for every Offence, forfeit and pay *Ten Shillings*, to be recovered as and for the Uses abovesaid.

Penalty on Persons who sit tippling in Taverns, &c. on the First Day ;

And on Inn-holders, &c. suffering the same.

VI. *PROVIDED* always, That nothing in this Act be construed to prevent Victualling-houses, or other public House or Place, from supplying the necessary Occasions of Travellers, Inmates, Lodgers or others, on the First Day of the Week, with Victuals and Drink in Moderation, for Refreshment only ; of which necessary Occasion for Refreshment, as also Moderation, the Magistrate before whom Complaint is made shall be Judge, any Law, Usage or Custom, in this Province, to the contrary notwithstanding.

Recorded A, Vol. I. p. 142.

C A P. VI.

An ACT against Rape or Ravishment.

Recorded A, Vol. I. p. 145.—Supplied by 4 GEO. I.

C A P. VII.

An ACT against Incest.

FOR the preventing of incestuous Marriages within this Province, BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Marriages hereafter made, being within the Degrees of Consanguinity or Affinity, according to the following Table, are hereby declared to be void, to all Intents and Purposes ; and it shall and may be lawful for the Governor for the Time being, to grant a Divorce from the Bonds of Matrimony, and the Parties shall be fined to the Value of one third Part of their Estates.

Incestuous Marriages to be void and finable.

II. AND if any Person or Persons shall be convicted of incestuous Fornication or Adultery, he, she or they, so convicted, shall suffer such Punishments as are by Law against Fornication and Adultery, and be fined to the Value of one third Part of their Estates, to be paid to the Proprietary and Governor, for the Time being, for the Support of Government, and defraying the contingent Charges thereof.

Penalty on incestuous Fornicators, &c.

The TABLE of Degrees of CONSANGUINITY and AFFINITY.			
Degrees of Consanguinity.	Degrees of Affinity.	Degrees of Consanguinity.	Degrees of Affinity.
A Man may not marry	A Man may not marry	A Woman may not marry	A Woman may not marry
His Mother.	His Father's Wife.	Her Father.	Her Mother's Husband.
His Father's Sister.	His Son's Wife.	Her Father's Brother.	band.
His Mother's Sister.	His Son's Daughter.	Her Mother's Brother.	Her Daughter's Husband.
His Sister.	His Wife's Daughter.	Her Brother.	band.
His Daughter.	The Daughter of his	Her Son.	Her Husband's Son.
The Daughter of his	Wife's Son or	The Son of her Son	The Son of her Husband's
Son or Daughter.	Daughter.	or Daughter.	Son or Daughter.

C A P VIII.

An A C T against Adultery and Fornication.

Penalty on
committing
Adultery.
12 GEO. III.
Cap. 22.

FOR the Preservation of Virtue, Chastity and Purity, amongst the Inhabitants of this Province, and Prevention of the heinous Sins of Adultery and Fornication, BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Person or Persons shall commit Adultery, and be thereof legally convicted, such Person or Persons shall, for the first Offence, receive on his or her bare Back Twenty-one Lashes, well laid on, at the common Whipping-post, and suffer Imprisonment for One whole Year, at hard Labour, or be fined *Fifty Pounds*, one Half to the Use of the Governor, and the other Half to the Use of the Poor, at the Election of the Party offending: And the injured Husband or Wife shall have a Bill of Divorce from Board and Bed, granted him or her by the Governor or Lieutenant-Governor for the Time being, if required within One Year after Conviction. And if such Person or Persons shall offend a second Time, and shall again be thereof convicted, such Person or Persons shall receive on his or her bare Back Twenty-one Lashes, at the common Whipping-post, and be imprisoned Seven Years at hard Labour, or pay *One Hundred Pounds* as aforesaid: And for the Third, and every Offence after, the same Punishment, and be branded with the Letter A.

On Fornica-
tion.

II. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall commit Fornication, and be thereof legally convicted, such Person or Persons shall receive Twenty-one Lashes on his or her bare Back, well laid on, at the common Whipping-post, or otherwise shall forfeit and pay to the Proprietary and Governor, for the Support of the Government of this Province, and defraying contingent Charges thereof, the Sum of *Ten Pounds*, at the Election of such Person so convicted as aforesaid.

What shall
be Proof of
Fornication.

III. *AND be it further enacted by the Authority aforesaid*, That any single or unmarried Woman having a Child born of her Body, the same shall be sufficient Proof to convict such single or unmarried Woman of Fornication; and the Man, by such Woman charged to be the Father of such Child, shall be the reputed Father; and she persisting in the said Charge in the Time of her Extremity of Labour, or afterwards in open Court, upon the Trial of such Person so charged, the same shall be given in Evidence, in order to convict such Person of Fornication.

What of
Adultery.

IV. *AND be it further enacted by the Authority aforesaid*, That if any married Woman within this Province shall be convicted of having a Child born of her Body, in the Absence of her Husband, and shall not be able, by credible Evidence, to prove that her Husband has cohabited or been in Company with her, or has been in some of the Queen's Colonies or Plantations in this Continent, betwixt the Eastermost Parts of *New-England* and the Southermost Parts of *North-Carolina*, within Twelve Months next before the Birth of such Child, such Woman shall be punished as an Adulteress.

Fornication
where
punished.

V. *AND be it further enacted by the Authority aforesaid*, That if an unmarried Woman, absenting herself from the Place where she usually lived, shall come into any County within this Government, and there bear a Bastard Child, she shall be liable to be punished in the County where said Child is born, as she should or might have been, had the Child been there begotten. And whosoever, within this Government, shall knowingly entertain or shelter any such Woman, without giving Notice thereof to some one Justice of the Peace, within Three Days after her coming into his or her House to lodge, shall forfeit *Five Pounds* for every such Offence.

VI. *PROVIDED always*, That the Judgment or Sentence against such married Woman shall not be put in Execution, till after the Expiration of Twelve Months next after such her Conviction, and she shall remain in Prison during

during that Time, unless she give Security to abide the Judgment. And in case her Husband shall within the said Term come and declare, That he had cohabited with his Wife, within the said Term of Twelve Months next before the Birth of the said Child, and own and declare himself to be the Father thereof, Execution shall be stopped, and the Woman discharged. Execution against a married Woman, where to be stayed.

VII. *AND be it further enacted by the Authority aforesaid*, That if any single Woman, being a Servant by Indenture or Covenant, have a Bastard Child within the Time of her Servitude, she shall serve such further Time, beyond the Term in her Indenture or Covenant mentioned, as the Justices of the Peace, in their Quarter Sessions, shall think fit, as a Compensation to her Master or Mistress for the Loss and Damage they had sustained, by reason of her bearing such Bastard in the Time of her Servitude; *Provided* it be not more than Two Years, nor less than One. A Servant Woman having a Bastard Child shall serve, &c.

VIII. *AND be it further enacted by the Authority aforesaid*, That every Person, being legally convicted to be the reputed Father of a Bastard Child, shall give Security to the Court, Town or Place where such Child was born, to perform such Order for the Maintenance of such Child, as the Justices of the Peace, in their Sessions, shall direct and appoint. The reputed Father, &c. to maintain the Child.

Recorded A, Vol. I. p. 147.

C A P. IX.

An A C T against Bigamy.

BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That whosoever shall be convicted of having Two Wives or Two Husbands, at one and the same Time, shall be whipped on his or her bare Back Thirty-nine Lashes, and be imprisoned during Life at hard Labour, and the second Marriage shall be void. And if any Man or Woman, being unmarried, shall knowingly marry the Husband or Wife of another Person, such Man or Woman shall be punished as aforesaid; and the first Wife or Husband of the Person offending against this Act shall have a Bill of Divorce from Board and Bed, granted by the Governor for the Time being, against the Husband or Wife so offending, if desired within One Year after Conviction. Penalty on Bigamy.

Recorded A, Vol. I. p. 149.

C A P. X.

An A C T against Sodomy and Buggery.

Recorded A, Vol. I. p. 150.—Supplied by 4 GEO. I. Cap. VI. Sect. 11.

C A P. XI.

An A C T against burning of Houses, &c.

Recorded A, Vol. I. p. 150.—Supplied by 4 GEO. I. Cap. VI. Sect. 18. and 7 GEO. III. Cap. X.

C A P. XII.

An A C T against Drunkenness and drinking of Healths.

FOR the Discouragement and Punishment of Drunkenness, BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That every Person disordering or abusing him or herself with excessive Drinking unto Drunkenness; as also those who are instrumental thereunto, by imposing strong Liquors, with drinking Healths, or otherwise, to provoke the same; and every Person suffering any such Excess in their Houses, being convicted thereof by one or more credible Witnesses, shall, for the first Offence, pay *Five Shillings*, or suffer five Days Imprisonment at Penalty on Drunkenness.

at hard Labour; and for the second, and every Offence after, *Ten Shillings*, or Ten Days Imprisonment as aforesaid.

Recorded A, Vol. I. p. 151.

C A P. XIII.

An A C T against riotous Sports, Plays and Games.
Recorded A, Vol. I. p. 151.—Repealed in Council, *October 24*, 1709.

C A P. XIV.

An A C T against Riots and Rioters.

BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Appointment, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Persons, to the Number of Three, or more, shall meet together with Clubs, Staves, or any other hurtful Weapons, to the Terror of any the peaceable People or Inhabitants of this Province, and shall commit, or design to commit, Violence or Injury upon the Person or Goods of any of the said Inhabitants, and shall be convicted thereof, such Persons shall be reputed and punished as Rioters, according to the Laws of *England*; and such Act of Terror or Violence, or Design of Violence, shall be deemed and accounted a Riot.

Recorded A, Vol. I. p. 153.

C A P. XV.

An A C T limiting the Presentments of the Grand Jury.
Recorded A, Vol. I. p. 153.—Repealed in Council, *October 24*, 1709.

C A P. XVI.

An A C T for determining of Debts under *Forty Shillings*.
Recorded A, Vol. I. p. 154.—Repealed by Act of Assembly, 1 GEO. I. Cap. XII.

C A P. XVII.

An A C T for further securing the Administration of the Government of this Province.

Recorded A, Vol. I. p. 154.—Repealed in Council, *October 24*, 1709.

C A P. XVIII.

An A C T for the better Confirmation of the Owners of Lands, and Inhabitants of this Province, in their just Rights and Possessions.

Preamble.

WHEREAS the late King CHARLES the Second, by his Royal Charter to WILLIAM PENN, Esq; Proprietary and Governor of this Province, did declare, That the Laws for regulating and governing of Property within this Province, for Descent and Enjoyment of Lands, as likewise for the Enjoyment and Succession of Goods and Chattels, should be and continue the same, as they should be for the Time being by the general Course of the Law in *England*, until the said Laws should be altered by the said WILLIAM PENN, Esq; his Heirs or Assigns, and by the Freemen of the said Province, their Delegates or Deputies, or the greater Part of them.

See the Laws quoted here in the Appendix.

AND whereas divers Laws have been enacted in this Province, that made all Lands and Tenements, without any Regard to the Fee-simple, and other Tenures by which they were held, as liable to pay Debts as Chattels, and to be taken and sold upon Execution, or by Decrees in Courts of Equity, or to be sold by such Executors, as had no Power by their Testators Wills for so doing, and in certain Cases to be sold by Administrators, as also to be divided, allotted and distributed, amongst the Widows and Children of Intestates. In Pursuance of which Laws, divers Lands, Tenements and Hereditaments in this Province, have been sold, delivered, assigned, allotted or distributed accordingly. Now, to the End that those

those Sales, Deliveries, Assignments and Allotments or Distributions, may have Effect according to the Tenor and true Meaning of the said Laws, and that the Possessors and Owners of the said Lands and Hereditaments so sold, delivered, assigned and distributed, and their Heirs and Successors, may quietly have, hold and enjoy the same,

I. BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all and singular the Bargains and Sales, being made *bona Fide*, and for valuable Consideration, as also all Assignments, Grants and Allotments or Distributions, made to any Person or Persons whatsoever, of any Lands, Tenements and Hereditaments, in this Province, according to the Tenor and Direction, or the true Intent and Meaning of the said Laws in those Cases made and provided, shall be, and are hereby declared to be good and effectual, and shall stand and be taken, deemed and adjudged good, sure and available in Law, against all Persons whatsoever, according to the Tenor and Effect of the same Bargains, Sales, Assignments, Grants and Allotments or Distributions; and that every Person or Persons, Bodies Politic and Corporate, their Heirs and Successors, and all claiming by, from or under them, or any of them, for and according to their, and every of their several Estates and Interests, of, in and to, the said Lands, Tenements and Hereditaments, with their Appurtenances, so as aforesaid sold, delivered, assigned and allotted, shall or may quietly and peaceably have, hold and enjoy the same Lands, Tenements, and Hereditaments and Premises, and every Part thereof, against all and every Person and Persons, their Heirs and Assigns, having, claiming, or pretending to have, any Estate, Right, Title, Interest, Claim or Demand whatsoever, of, in or to, the same: *Saving nevertheless*, To all and every Person and Persons, Bodies Politic and Corporate (other than to the Person and Persons for Payment of whose Debts, or Maintenance of whose Widows and Children, any of the said Lands, Tenements or Hereditaments have been sold, delivered or conveyed as aforesaid, and his and their Heirs; and other than to the Heirs at Law of the said Intestates, or any claiming under them, who shall attempt to avoid or annul the said Divisions, Allotments or Distributions, which have been made of the said Intestates Lands and Hereditaments amongst their Widows and Children, by Virtue or in Pursuance of the said Laws) all such Actions, Estates, Possessions, Rights, Titles, Interests, Rents, Profits and Demands, as they or any of them have, shall, may or ought to have, of, in or to, all or any the said Lands, Tenements and Hereditaments, or any Part thereof, in such Manner and Form as if this Act had never been made: So that they do pursue their said Rights, Titles, Claims and Interests, by Way of Action or lawful Entry, before the First Day of *October*, which will be in the Year of our Lord, One Thousand Seven Hundred and Ten.

All Grants
&c. made
according to
the Form of
those Laws,
declared
good against
the Grantors,
&c.

Strangers
may pursue
their Claims
within a li-
mited Time.

II. *PROVIDED always*, That all and every the Widows and Children of Intestates, to or amongst whom any Lands, Tenements or Hereditaments, have been allotted or distributed by Virtue of the said Laws, and all and every Person or Persons, to whom any Parts or Purparts of Lands, Tenements and Hereditaments, have as aforesaid been, or hereafter shall be, sold or delivered upon Executions, shall hold and enjoy their said respective Parts, Purparts or Allotments, in Severalty, or as Tenants in common, and not as joint Tenants.

Lands, &c.
which have
been distri-
buted accord-
ing to these
Laws, shall
be held by
the Parties in
Severalty.

III. *AND be it further enacted by the Authority aforesaid*, That no Deed, Grant, Conveyance or Assurance heretofore made, of any Lands, Tenements or Hereditaments whatsoever, shall be judged or taken to be defective, avoided or prejudiced, for or by Reason of any Want of Form, or formal or orderly Parts of a Deed, as the *Premises*, *Habendum*, *Tenendum*, *Reddendum*, the *Clause of Warranty*, the *Conclusion*, *In Witness whereof*, and the *Date*, or for *Mis-naming*, *Mis-recital* or *Non-recital* of any of the said Lands or Hereditaments, or for *Mis-recital* or *Non-recital*, or *not mentioning*, or *not true mentioning* of the Grantor's Estate, of, in or to, the Premises, or for Want of *Livery and Seizin*, or *Attournment*, or *Proofs* of the Consideration-Money actually paid, or for *not producing in Court*, upon Trial, any of the said Deeds or Grants, recited in the said

All Deeds
defective in
the Form,
&c. declared
good.

Strangers
may pursue
their Claims
within a li-
mited Time.

Conveyance, or for *not being recorded* in the Rolls-Office: But that all and every the said Deeds, Grants and Conveyances, Releases and Assurances, shall be, and are hereby declared and enacted, to be good and available in Law, and shall be expounded as the Law of this Province was when they were made, and shall conclude all Strangers, as well as Privies to the same: Saving to every Person and Persons, other than to the said Grantors, their Heirs and Successors, all such Rights, Titles, Estates, Claims and Interests, as they or any of them had, or ought to have, of, in or to, the said Lands, Tenements and Hereditaments, or any Part thereof, at the Time when such Deeds or Conveyances were sealed and delivered, so as they do pursue their said Rights, Titles, Claims or Interests, by Way of Action or lawful Entry, before the First Day of *October*, which shall be in the Year of our Lord One Thousand Seven Hundred and Ten.

Recorded A, Vol. I. p. 155.

C A P. XIX.

An A C T concerning the Probates of written and nuncupative Wills, and for confirming Devises of Lands.

Written
Wills, proved
in this Pro-
vince, or
elsewhere,
and certified
Copies there-
of, shall be
good, and the
Estate given
by the same
shall pass.

Letters of
Administra-
tion granted
out of this
Province de-
clared good.

Previo.

BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Appointment, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Wills in Writing, wherein or whereby any Lands, Tenements or Hereditaments, within this Province, have been, are, or shall be devised (being proved by two or more credible Witnesses, upon their solemn Affirmation, or by other legal Proof in this Province; or being proved in the Chancery in *England*, and the Bill, Answer and Depositions transmitted hither, under the Seal of that Court, or being proved in the Hustings or Mayor's Court in *London*, or in some Manor-Court, or before such as have or shall have Power in *England*, or elsewhere, to take Probates of Wills, and grant Letters of Administration, and a Copy of such Will, with the Probate thereof annexed or endorsed, being transmitted hither, under the public or common Seal of the Courts or Offices where the same have been or shall be taken or granted, and recorded or entered in the Register-General's Office in this Province) shall be good and available in Law, for the granting, conveying and assuring of the Lands or Hereditaments thereby given or devised, as well as of the Goods and Chattels thereby bequeathed; and that the Copies of all Wills and Probates, under the public Seals of the Courts or Offices where the same have been or shall be taken or granted respectively, other than Copies or Probates of such Wills as shall appear to be annulled, disproved or revoked, shall be judged and deemed, and are hereby declared and enacted, to be Matter of Record, and shall be good Evidence to prove the Gift or Devise thereby made; and that all such Probates, as well as all Letters of Administration granted out of this Province, being produced here, under the Seals of the Courts or Offices granting the same, shall be as sufficient to enable the Executors or Administrators, by themselves or Attornies, to bring their Actions in any Court within this Province, as if the same Probates or Letters Testamentary or Administrations were granted here, and produced under the Seal of the Register-General's Office of this Province.

II. *PROVIDED always*, That if any of the Wills, whereof Copies or Probates shall be so as aforesaid produced and given in Evidence, shall, within Seven Years after the Testator's Death, appear to be disproved or annulled before any Judge or Officer, having Conusance thereof, or shall appear to be revoked or altered by the Testator, either by a later Will, or Codicil in Writing, duly proved as aforesaid, then, and in every such Case, it shall and may be lawful for the Party aggrieved, or his or their Heirs, Executors or Assigns, to have their Action for what shall be taken or detained from them by Occasion of such Wills, or have their Writ or Writs of Error for reversing the judicial Proceedings thereupon, as the Case shall require, any Thing herein contained to the contrary notwithstanding.

III. *AND*

III. *AND be it further enacted by the Authority aforesaid*, That from henceforth no nuncupative Will be good, where the Estate thereby bequeathed shall exceed the Value of *Thirty Pounds*, that is not proved by Two or more Witnesses, who were present at the making thereof, nor unless it be proved that the Testator, at the Time of pronouncing the same, did bid the Persons present, or some of them, bear Witness, That such was his Will, or to that Effect; nor unless such nuncupative Will be made in the Time of the last Sickness of the Deceased, and in the House of his or their Habitation or Dwelling, or where he or she hath been resident for the Space of Ten Days, or more, next before the making of such Will, except where such Person was surprized or taken sick, being from his own House, and died before he returned to the Place of his or her Dwelling.

A nuncupative Will where good and where not.

IV. *AND be it further enacted by the Authority aforesaid*, That after Six Months past, after speaking of the pretended testamentary Words, no Testimony shall be received to prove any Will nuncupative, except the said Testimony, or the Substance thereof, were committed to Writing within Six Days after the making of the said Will.

V. *AND be it further enacted by the Authority aforesaid*, That no Letters Testamentary, or Probate of any nuncupative Will, shall pass the Seal of the Register-General's Office, in the respective Counties of this Province, till Fourteen Days, at the least, after the Death of the Testator be fully expired; nor shall any nuncupative Will be at any Time received to be proved, unless Process have first issued out to call in the Widow or next of Kindred to the Deceased, to the End they may contest the same if they please.

Nuncupative Wills not to pass the Seal, &c. within 14 Days.

VI. *AND be it further enacted by the Authority aforesaid*, That no Will in Writing, concerning any Goods or Chattels, or personal Estate, shall be repealed, nor shall any Clause, Devise or Bequest therein, be altered or changed by any Words or Will, by Word of Mouth only, except the same be, in the Life of the Testator, committed to Writing, and after the Writing thereof, read unto the Testator, and allowed by him, and proved to be so done by Two or more Witnesses.

No written Will to be altered, &c. by Words only, except &c.

VII. *PROVIDED always*, That notwithstanding this Act, any Mariner or Person being at Sea, or Soldier, being in actual military Service, may dispose of his Moveables, Wages, and personal Estate, as he or they might have done before the making of this Act.

Mariners, &c. Wills not within this Act.

VIII. *AND be it further enacted by the Authority aforesaid*, That there shall be an Officer, called Register-General, to be commissioned by the Governor, from Time to Time, for the Probate of Wills, and granting Letters of Administration in this Province; which Register-General shall keep his Office at *Philadelphia*, and shall, from Time to Time, constitute a sufficient Deputy, to officiate for him in each of the other Counties of this Province; who being by him deputed, shall be, and are by this Act impowered to take Probates of Wills, and grant Letters of Administration in the respective Counties, as fully and amply as the Register-General himself ever could or can do, according to the Powers granted by the Royal Charter of the late King *Charles* the Second. Which Deputies shall have and use a common Seal, to be provided at the Charge of the respective Counties where they serve, with the like Inscriptions as is or shall be upon the Seal of the Register-General's Office at *Philadelphia*. *Provided*, That no Person who shall prove any Will, or take Letters of Administration, in any one of the Counties of this Province, shall be obliged to prove the same Will, or take Letters of Administration in any other of the said Counties, wherever such Testator's or Intestate's Estates may lie or be. But before any Register-General, or his Deputies, shall enter upon their respective Offices, they shall be duly qualified, either before the Governor, or in the Orphans Court of the County where they respectively officiate. And every Register-General, and every of his Deputies, shall find one or more sufficient Sureties with himself, to become bound to the Governor for the Time being, in a Bond of *Two Hundred Pounds*, for the true and faithful Execution of his Office, and for the delivering up the Records and other Writings belonging to the said Office, by him, his Heirs, Executors and Administrators, to his Successor in the said Office, whole and undefaced; which said Bond shall be recorded in the Orphans Court, and be kept by one of the Justices of the same Court, as the Majority of the Justices for the Time being

A Register-General's Office in *Philadelphia*, &c.

Probate of Wills, and Letters of Administration, not to be in more than one County.

The Register-General and his Deputies to be qualified, and give Security.

being shall order; to be made Use of, for making Satisfaction to the Parties that shall be damnified or aggrieved, as is, or shall be directed by the Laws of this Province in such Cases. And if the Register-General, or his Deputies, or any of them, shall officiate in the said Office before he hath given such Security, or if the Register-General for the Time being, shall refuse or neglect to constitute a Deputy-Register in each County, according to the Direction of this Act, then, and in every such Case, he or they so offending shall forfeit the Sum of *Two Hundred Pounds*, to be recovered in any Court of Record in this Province; and the one Half thereof shall go to the Governor, for Support of Government, and the other Half to him or them that shall sue for the same.

Recorded A, Vol. I. p. 158.

C A P. XX.

An A C T directing the Order of Payment of Debts of Persons deceased.

Order of paying the Debts of Decedants.

FOR preventing Disputes and Contests at Law, or otherways, concerning the Order of Payment of Debts of Persons deceased within this Province, BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Debts owing by any Person within this Province, at the Time of his or her Decease, shall be paid by his or her Executors or Administrators, so far as they have Assets, in Manner and Order following; that is to say, First, Physic and Funeral Expences. Secondly, Debts and Duties to the Queen. Thirdly, Debts due to the Proprietary and Governor. Fourthly, Judgments. Fifthly, Debts due by Recognizances. Sixthly, Rents. Seventhly, Obligations, Bills penal, and protested Bills of Exchange. Eighthly, Single Bills. Ninthly, Servants and Workmens Wages. Tenthly, Merchants and Traders Book-debts, and Promises by Word, Arrears of Accounts, and such like. Which said Payments shall be good and available in Law, against all Persons whatsoever.

Twelve Months after the Parties Decease no Priority of Debts, &c.

II. *PROVIDED* always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained, shall prevent or damnify any Executor or Administrator for discharging the Decedant's just Debts, as the same shall come to his, her or their Knowledge, without regard to the Priority of the same, in Payment, after the Expiration of Twelve Months from the Time of the said Decedant's Decease.

Recorded A, Vol. I. p. 162.

C A P. XXI.

An A C T for the better settling of Intestates Estates.

4 GEO. III. Cap. 5.

Every Administrator to give Bond, &c.

BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Register-General and his Deputies, having Power to grant Letters of Administration of the Goods and Chattels of Persons dying Intestate within this Province, shall, upon their granting such Letters of Administration, take sufficient Bonds, with two or more able Sureties, respect being had to the Value of the Estate, in the Name of the Register-General, with the Conditions in Manner and Form following, *mutatis mutandis, viz.*

With Condition, &c.

THE Condition of this Obligation is such, That if the within Bounden A. B. Administrator of all and singular the Goods, Chattels and Credits of C. D. deceased, do make, or cause to be made, a true and perfect Inventory of all and singular the Goods, Chattels and Credits of the said Deceased, which have or shall come to the Hands, Possession

Possession or Knowledge of him the said A. B. or into the Hands and Possession of any other Person or Persons for him; and the same so made do exhibit, or cause to be exhibited, into the Register's Office, in the County of at or before the Day of next ensuing; and the same Goods, Chattels and Credits, and all other the Goods, Chattels and Credits, of the said Deceased at the Time of his Death, which at any Time after shall come to the Hands or Possession of the said A. B. or into the Hands and Possession of any other Person or Persons for him, do well and truly administer according to Law. And further, do make, or cause to be made, a true and just Account of his said Administration, at or before the Day of And all the Rest and Residue of the said Goods, Chattels and Credits, which shall be found remaining upon the said Administrator's Account, the same being first examined and allowed of by the Orphans Court of the County where the said Administration is granted, shall deliver and pay unto such Person or Persons respectively, as the said Orphans Court, in the respective County, by their Decree or Sentence, pursuant to the true Intent and Meaning of this Act, shall limit and appoint. And if it shall hereafter appear, that any last Will and Testament was made by the said Deceased, and the Executor or Executors therein named do exhibit the same into the said Register's Office, making Request to have it allowed and approved accordingly: If the said A. B. within bounden, being thereunto required, do render and deliver the said Letters of Administration, Approbation of such Testament being first had and made in the said Register's Office, then this Obligation to be void and of none Effect, or else to remain in full Force and Virtue.

WHICH Bonds are hereby declared and enacted to be good, to all Intents and Purposes, and pleadable in any Courts of Justice; and also, that the said Orphans Court, in the respective Counties, shall and may, and are hereby enabled to proceed and call such Administrators to Account, for and touching the Goods of any Person dying intestate: And upon hearing, and due Consideration thereof, to order and make just and equal Distribution of what remaineth clear, after all Debts, Funeral and just Expences of every Sort, first allowed and deducted, amongst the Wife and Children, or Childrens Children, if any such be, or otherwise to the next of Kindred to the dead Person, in equal Degree, or legally representing their Stocks, to every one his Right, according to the Laws in such Cases, and to the Rules and Limitations hereafter set down: And the same Distributions to decree and settle, and to compel such Administrators to observe and pay the same, by the due Course of the Laws of this Province; saving to every one, supposing him or themselves aggrieved, their Right of Appeal to the Provincial or Supreme Court of this Province.

Power of
the Orphans
Courts.

Saving Ap-
peals to the
Supreme
Court.

II. *PROVIDED* always, That the said Orphans Court in each County, which is by this Act enabled to make Distribution of the Surplusage of the Estate of any Person dying intestate, shall distribute the whole Surplusage of such Estate or Estates in Manner and Form following, *That is to say*, One Third Part of the said Surplusage to the Wife of the Intestate, and all the Residue, by equal Portions, to and amongst the Children of such Persons dying intestate, allowing the eldest Son Two Shares; and to such Persons as legally represent such Children, in case any of the said Children be then dead (other than such Child or Children who shall have any Estate by the Settlement of the Intestate, or shall be advanced by him in his Life-time, by Portion or Portions, equal to the Share which shall by such Distribution be allotted to the other Children) to whom such Distribution is to be made. And in case any Child who shall have any Estate by Settlement from the Intestate, or shall be advanced by the said Intestate in his Life-time by Portion, not equal to the Share which will be due to the other Children by such Distribution as aforesaid, then so much of the Surplusage of the Estate of such Intestate to be distributed to such Child or Children, as shall have any Land by Settlement from the Intestate, or were advanced in the Life-time of the Intestate, as shall make the Estate of all the said Children to be equal, as near as can be estimated, the eldest Son being allowed Two Shares as aforesaid. And in case there be no Children, nor any legal Representatives of them, then one Moiety of the said Estate to be allotted to the Wife of the Intestate, and the Residue of the said Estate to be distributed equally to every of the next Kindred of the Intestate, who are in equal Degree, and those who legally represent them. *Provided*, That there be no Representatives admitted amongst Collaterals

Distributions
of the perso-
nal Estate of
Intestates
how to be
made.

Children
preferred to
have so much
of the Resi-
due as will
make their
Shares equal,
&c.

laterals, after Brothers and Sisters Children. And in case there be no Wife, then all the said Estate to be distributed equally to and amongst the Children, the eldest Son to have Two Shares as aforesaid. And in case there be no Child, then to the next of Kindred in equal Degree of or unto the Intestate, and their legal Representatives as aforesaid, and in no other Manner whatsoever.

Distribution
when to be
made.

III. *PROVIDED also*, and to the End that a due Regard be had to Creditors, That no such Distribution of the Goods of any Person dying intestate be made, till after One Year be fully expired after the Intestate's Death. And that such and every one to whom any Distribution and Share shall be allotted, shall give Bond, with sufficient Sureties, in the said Orphans Court, that if any Debt or Debts truly owing by the Intestate shall be afterwards sued for and recovered, or otherwise duly made to appear that then, and in every such Case, he or she shall respectively refund and pay back to the Administrator his or her rateable Part of that Debt or Debts, and of the Costs of Suit and Charges of the Administrator, by Reason of such Debts, out of the Part and Share so as aforesaid allotted to him or her, thereby to enable the said Administrator to pay and satisfy the said Debt or Debts, so discovered, after the Distribution made as aforesaid.

Administra-
tions, with
the Testa-
ment annex-
ed.

IV. *PROVIDED always, and be it further enacted by the Authority aforesaid*, That in all Cases, where the Register-General hath used heretofore to grant Administration, with a Testament annexed, he shall continue so to do; and the Will of the Deceased, in such Testament expressed, shall be performed and observed in such Manner as it should have been if this Act had never been made.

No Claim to
be good after
Seven Years.

V. *PROVIDED also*, That all such of the Intestate's Relations, and Persons concerned, who shall not lay legal Claim to their respective Shares, within Seven Years after the Decease of the Intestate, shall be debarred from the same for ever.

Where
Lands, &c.
of Intestates
may be sold
by Order of
the Orphans
Court.

VI. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall die intestate, being Owners of Lands or Tenements within this Province at the Time of their Death, and leave lawful Issue to survive them, but not a sufficient personal Estate to pay their just Debts and maintain their Children, in such Case, it shall be lawful for the Administrator or Administrators of such Deceased to sell and convey such Part or Parts of the said Lands or Tenements, for defraying their just Debts, Maintenance of their Children, and for putting them Apprentices, and teaching them to read and write, and for Improvement of the Residue of the Estate, if any be, to their Advantage, as the Orphans Court of the County where such Estate lies shall think fit to allow, order and direct, from Time to Time.

Lands con-
tained in
Marriage
Settlements
not to be
sold.

VII. *PROVIDED always*, That no Lands or Tenements, contained in any Marriage Settlement, shall, by Virtue of this Act, be sold or disposed of, contrary to the Form and Effect of such Settlement; nor shall any Orphans Court allow or order any Intestate's Lands or Tenements to be sold, before the Administrator, requesting the same, doth exhibit one or more true and perfect Inventories and conscionable Appraisement of all the Intestate's personal Estate whatsoever, as also a just and true Account, upon his or her solemn Affirmation, of all the Intestate's Debts which shall be then come to his or her Knowledge; and if thereupon it shall appear to the Court, that the Intestate's personal Estate will not be sufficient to pay the Debts and maintain the Children, until the eldest of them attains to the Age of Twenty-one Years, or to put them out to be Apprentices, and teach them to read and write, then, and in every such Case, and not otherwise, the Court shall allow such Administrator to make public Sale of so much of the said Lands, as the Court, upon the best Computation they can make of the Value thereof, shall judge necessary for the Purposes aforesaid, reserving the Mansion-House and most profitable Part of the Estate till the last. But before any such Sale be made, the Court shall order so many Writings to be made by the Clerk, upon Parchment or good Paper, as the Court shall think fit, to signify and give Notice of such Sales, and of the Day and Hour when, and the Place where the same will be, and what Lands are to be so sold, and where they lie; which Notice shall be delivered to the Sheriff or Constables, in order to be fixed in the most public Places of the County or City, at least Ten Days before Sale; and the Sheriffs or Constables are hereby required to make Publication accordingly, and the Administrator

Proceedings
necessary to
such Sales.

that

that makes such Sale shall bring his or her Proceedings therein to the next Orphans Court, after the Sale made. And if it shall happen that any Lands be sold, by Virtue of this Act, for more than the Court's Computation of the Value thereof, then the Administrator shall be accountable for the same, as by this Act is required for Intestates personal Estates.

VIII. *AND be it further enacted by the Authority aforesaid*, That the Surplusage or remaining Part of the Intestate's Lands, Tenements and Hereditaments, not sold, or ordered to be sold by Virtue of this Act, and not otherwise limited by Marriage Settlement, shall be divided between the Intestate's Widow and Children, or the Survivors of them, who shall equally inherit and make Partition, as Tenants in common may or can do. But if the Intestate leaves a Widow and no Child, then such Widow or Relict shall inherit one Moiety or Half Part of the said Lands and Tenements, and the other Moiety shall descend and come to the Intestate's next Heir, according to the Course of the common Law. But if the Intestate leaves no Widow nor Child living at the Time of his Death, or if the Children all die in their Minority, without Issue, then the said Lands and Tenements shall descend and come to the Intestate's Heir at Law, according to the Course aforesaid. But if any of the Intestate's Children, dying before the Intestate, shall leave lawful Issue, such Issue shall equally inherit the Intestate's Lands and Tenements, with their Uncles or Aunts, and make Partition as aforesaid.

The Surplusage of Lands, &c. not sold, how to be divided.

IX. *PROVIDED always*, That no Widow or Child of any Intestate, having so much Land by Settlement from the said Intestate, as, by the said Court's Computation of the Value thereof, shall be equal to the Share or Purpart of the Intestate's Lands, which by this Act are to be allotted to any of the other Children in Manner aforesaid, then such Widow or Child, so provided for, shall have no Share of the said Surplusage of the Intestate's other Lands. But if the Value of the Land, so settled by the Intestate, shall not, by the Computation aforesaid, amount to an equal Share, then the said Court shall allot to the Party so much of the said other Lands, as shall make the Shares or Estate of the Widow and all the said Children equal, as near as can be estimated, the eldest Son having a double Share as aforesaid.

The Widow or Child of any Intestate provided for, &c. to have no Share of the Surplusage.

X. *PROVIDED also*, That nothing in this Act contained shall give any Widow a Right or Claim to any Part of such Lands or Tenements, for her Dower or Thirds, as shall yield yearly Rents or Profits, whereof her Husband died seized, for any longer Time than the Term of her natural Life; which Dower she shall hold as Tenants in Dower do in *England*. And the said profitable Lands or Tenements, and the unimproved or rough Land next adjacent thereto, shall not be sold, but for Payment of the Intestate's Debts.

The Widow to have no Claim to Lands but during Life. 22 GEO. II.

XI. *PROVIDED also*, That no Partition of the Lands or Tenements which are to be divided by this Act, shall be made by or for the Relict or younger Children of the Intestate, if the Heir at Law will, within the Space of Twelve Months, pay so much Money, or other Effects, to the Person or Persons demanding such Partition, as their respective Shares or Purparts shall amount unto, by the Valuation of four or more Persons indifferently chosen by both Parties, or by an Inquest appointed by the Orphans Court to value the same, where the Parties cannot otherwise agree. And the Person or Persons, whether Minors or others, to whom or for whose Use, Payment or Satisfaction shall be made for their respective Purparts by the Heir at Law, in Manner aforesaid, shall be forever debarred of all the Right, Title and Demand, which he or they can or may have, of, in or to such Share or Purparts, by Virtue of this Act; but the same shall be held and enjoyed by the Heir at Law, as freely and fully as the Intestate held the same.

No Partition to be made of Lands, if the Heir at Law will pay the respective Shares. 22. GEO. II.

XII. *AND* in case such Intestate shall have no known Kindred, then all his Lands, Tenements and Hereditaments, shall escheat or go to the immediate Landlord of whom such Lands are held, his Heirs and Assigns; and if immediately held of the Proprietary, then to the Proprietary, his Heirs and Assigns; and all the Goods, Chattels and personal Estate whatsoever, of such Person dying intestate, and without Kindred as aforesaid, shall go to the Proprietary and Governor, his Executors or Administrators. But if any of the said Intestate's Relations shall appear, and make their Claims to such Intestate's personal Estates, within Seven Years after the Decease of the Intestate, they shall be restored thereunto.

Where Lands &c. shall escheat for Want of Heirs.

XIII. *AND*

Within what
Time the
Heir may
recover.

XIII. AND if the lawful Heir to any such Lands or Tenements shall at any Time, within Twenty-one Years after the Intestate's Decease, appear, he may traverse the Inquisition or Office found for the Land so escheated, and recover the same, paying the Lord, or Person in Possession, for the Improvements made thereupon, according to the Valuation of Twelve Men.

Recorded A, Vol. I. p. 122.

C A P. XXII.

An A C T for the acknowledging and recording of Deeds.

Recorded A, Vol. I. p. 170.—Repealed in Council, *October* 24, 1709.

C A P. XXIII.

An A C T to ascertain the Number of Members of Assembly, and to regulate the Elections.

Time and
Place for
electing
Members of
Assembly.

BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That for the well governing of this Province, there shall be an Assembly yearly chosen, and for that End, it shall and may be lawful to and for the Freemen and Inhabitants of the City of *Philadelphia*, as also for the Freemen and Inhabitants of the respective Counties of this Province, without any Writ or Summons, to meet on the First Day of *October*, yearly, for ever, at the most usual Place of Elections in the said respective Counties, *That is to say*, For the City and County of *Philadelphia*, at or near the present Market-place in the said City; and for the County of *Bucks*, upon the Court-House Ground in the Town of *Bristol*; and for the County of *Chester*, at or near the Court-House in the Town of *Chester*; and then and there choose their Representatives or Delegates, to serve them in Assembly, which shall consist of not less than Two Persons for the said City of *Philadelphia*, and Eight Persons for each County of this Province; or a greater Number, as the Governor and Assembly shall at any Time hereafter agree.

The new
chosen As-
sembly's first
Meeting.

II. AND that the Members, so to be elected, shall meet and sit in Assembly on the Fourteenth Day of *October*, yearly, for ever, at the said City of *Philadelphia*, unless the Governor and Council, for the Time being, shall see Cause to appoint another Place, within this Province, to sit at. But when any of the said Days of Elections or Meeting of Assembly shall happen to fall on the First Day of the Week, called *Sunday*, then such Election and Meeting shall be the next Day following.

The Qualifi-
cations of the
Electors and
Elected.

III. *PROVIDED* always, That no Inhabitant of this Province shall have Right of electing, or being elected as aforesaid, unless he or they be natural born Subjects of *England*, or be naturalized in *England*, or in this Government, and unless such Person or Persons be of the Age of Twenty-one Years, or upwards, and be a Freeholder or Freeholders in this Province, and have Fifty Acres of Land or more well seated, and Twelve Acres thereof or more cleared and improved, or be otherwise worth *Fifty Pounds*, lawful Money of this Province, clear Estate, and have been resident therein for the Space of Two Years before such Election.

In the City of
Philadelphia.

Penalty on
offering or
taking
Bribes.

IV. AND to the End that Elections, upon which the Good of the Government so much depends, may not be corruptly managed or obtained, *Be it enacted by the Authority aforesaid*, That all the Elections of the said Representatives shall be free and voluntary, by Persons having Estates, and being qualified as aforesaid, in the respective County or Counties for which he or they shall elect or be elected; *Provided*, That the Electors and Elected for the said City of *Philadelphia* shall have a Freehold Estate, or be worth *Fifty Pounds*, clear personal Estate, within the same City, and be otherwise qualified as aforesaid. And that the Elector, who is not so qualified as aforesaid, or that shall receive any Reward or Gift for his Vote, shall forfeit his Right of electing for that Year, and shall pay the Sum of *Five Pounds*, the one Half thereof to the Governor, and the other Half to him or them that shall sue for the same, in any Court of Record within
this

this Province. And that he or they who shall give, offer or promise, any Reward to be elected, or shall offer to serve for nothing, or less Allowance than the Law prescribes, shall forfeit *Five Pounds*, the one Half thereof to the Governor, and the other to him or them that will sue for the same in Manner aforesaid, and be incapable to serve for that Year.

V. *AND be it further enacted by the Authority aforesaid*, That every Sheriff, Judges of Elections. See 19. GEO. II. Cap. 2.
or in his Absence his Under Sheriff, or such as he shall depute, or for Want of such Deputation the Coroner, or such as he shall appoint, or for Want of such Appointment any two of the Freeholders, who, by the major Part of the Electors then and there present, shall be nominated and appointed Judges of the said Elections, in the Absence of the Sheriff or Coroner, shall attend at the said Elections, and shall appoint such a Number of Clerks, for taking the Poll or Votes of the Electors, as the Inspectors hereafter-mentioned shall appoint; who shall all take the said Poll or Names of the Electors in the Presence of the said Sheriff, Coroner or other Judges, so nominated as aforesaid, or such as any of them shall depute or appoint; and shall make as many distinct Columns, on fair Paper, as there shall be Candidates voted for, as is herein after expressed; but before they begin, every Clerk so appointed shall, by the said Sheriff or Coroner, or by some Magistrate then present, be attested or charged, upon his solemn Affirmation, *Truly and indifferently to take the said Poll, and set down the Names of each Freeholder and Elector, and the Place of his Freehold or Estate, and to poll no Elector who is not attested, if so required by the Inspectors of such Clerks*; which Inspectors are to be nominated by the major Part of the Electors as aforesaid.

VI. *AND* every Person coming to elect Members for the City of *Philadelphia*, as also every Person coming to elect Members for the said respective Counties, shall deliver in Writing the Names of those Persons for whom they vote to the Sheriff, or some other of the said Persons so as aforesaid appointed Judges of the said Elections, who shall open the Paper, if the Elector be illiterate, and read the Persons Names contained therein, and ask such Elector, whether these are Persons for whom he votes? Which Paper, upon his Affirmative, shall be received, and put with the rest of the Electors Papers in a Box, which every Sheriff is hereby required to provide for that Purpose. Manner of electing.

VII. *BUT* if the Elector brings no such Paper or Ticket, or if the illiterate Elector will not vote for the Persons contained in his Paper, then, and in all such Cases, the Elector shall verbally give in the Names of the Persons he mostly desires should be chosen, which Names shall be entered down by the said Clerks.

VIII. *PROVIDED always*, That every Elector, before he be admitted to poll, if required by any of the said Inspectors, shall, upon his solemn Affirmation, declare, *That he is Twenty-one Years of Age, and a Freeholder of the County of and has Fifty Acres of Land or more well seated, and Twelve Acres thereof or more cleared*; or, *that he is otherways worth Fifty Pounds, Money of this Province, clear Estate, and hath been resident therein for the Space of Two Years, and that he has not been before polled at that Election*. The Qualification of the Electors.

IX. *AND* in case any Person, taking the said Affirmation, shall be lawfully convicted of wilfully and corruptly making a false Affirmation therein, or if any shall suborn any Person to take such false Affirmation, he and they shall incur the same Penalties and Forfeitures as, by the Laws and Statutes of *England*, are provided against Persons convicted of wilful and corrupt Perjury, and Subornation of Perjury, respectively. Penalty on making a false Affirmation.

X. *AND* that the said Poll shall not be delayed, nor the Election adjourned to another Place or Part of the County, other than where the same begins, but shall continue from Day to Day, till the Freeholders and Electors then and there present shall be polled, and no longer. And when all the Electors then appearing shall have delivered in all their Papers or Names, the said Box shall be opened by the Sheriff, or some other of the Persons appointed by this Act to officiate as Judges of the said Elections, and the said Papers taken out in the Presence of the said Inspectors, and delivered one by one to the said Clerk or Clerks, to enter the Names therein expressed in fair Columns, or otherwise, so that they shall cast up how many Times each Person's Name is repeated in the same, and set it down; and shall then pronounce publicly to the People, him whose Name is oftenest mentioned in the said Papers to be first elected, and so the next highest Number How to be cast up, &c.

successively, until the whole Eight Persons for the County be pronounced elected by a Majority as aforesaid. And the same Method shall be used concerning the two Members to be elected for the City of *Philadelphia*.

Deceitful
Tickets to
be rejected.

XI. BUT if, when the said Papers are opened, there appear more Names in any one of them, or more than one Paper deceitfully folded together, containing more Names than by this Act is allowed any one Elector to vote for, such Papers shall be rejected, and not accounted amongst the Votes.

The Names
of the Repre-
sentatives to
be written in
Indentures,
&c.

XII. AND after the said Representatives are so chosen as aforesaid, their Names, be they present or absent, shall be written in a Pair of Indentures, sealed between the said Sheriffs, or other Persons officiating as Judges of the said Elections, and Six or more of the said Choosers. And every Sheriff, or other Persons officiating as Judges of the said Elections, shall, on the first Day of the Meeting of every Assembly, in Person, or by Deputy, present one Part of the said Indentures to the Governor for the Time being, and the other Part thereof to the House of Representatives: Which said Indentures shall be deemed and taken to be the Sheriff's Return of the Representatives or Delegates of the Freemen of this Province, to serve and act in the Legislative or General Assemblies of the same Province from Time to Time. And the Representatives so as aforesaid chosen shall yield their Attendance accordingly.

Penalty on
refusing to
serve in Af-
sembly.

XIII. AND if any Person or Persons, so chosen and returned to serve as aforesaid, shall be absent from the Service for which he or they shall be so elected, he or they shall forfeit any Sum, not exceeding *Ten Pounds*, current Money; the one Half thereof to the Governor, and the other Half to him or them that shall sue for the same in Manner aforesaid, unless his or their Excuse for such Absence shall be allowed of by the Assembly.

Vacancies to
be supplied
by a new
Election. &c.
and the Me-
thod of pro-
ceeding in
such Cases.

XIV. AND if any Person so chosen and returned as aforesaid shall happen to die, or be wilfully absent, or by Vote of the House be disabled to sit or serve in Assembly, then, and in every such Case, the Secretary for the Time being shall, by the Speaker's Order, issue out Writs to the respective Sheriffs of the Counties where there shall be Occasion for electing such new Members: But in case the Secretary shall delay the making of such Writs for the Space of Two Days, next after he has Notice of the Speaker's Order in that Behalf, it shall be lawful for the Speaker of the Assembly, for the Time being, to issue forth the said Writs, which shall be made in the Governor's Name, under the Hand and Seal of the Speaker; whereupon every Sheriff, or other Officer, to whom such Writ or Writs are directed, shall indorse the Day of his Receipt thereof on the Back of the Writ, and with all convenient Speed, after he receives such Writ, shall cause public Notice to be given of the Time and Place of Election, and proceed to elect thereupon in Manner aforesaid, within the Space of Five Days after his Receipt of the said Writ, and give Two Days Notice at least of the Day appointed for Election: Which Notice shall be given in Writing, and shall be proclaimed in the most public Places of the capital Town or Place where such Election is to be, and the said Sheriff, or other Officer, shall cause Copies of such Notice or Advertisement to be posted upon some Tree or House, in the Way leading from every Township or Precinct to the Town or Place where the said Election is to be, as also upon the Court-houses and public fixed Meeting-houses for religious Worship in the said respective Counties. And when those Elections are made by Virtue of the said Writs in Manner aforesaid, the Sheriff, or other Officer, who shall officiate as Judges of such Elections, shall write the Names of the Persons so elected in a Pair of Indentures, sealed, and present one Part thereof to the Governor, and the other Part to the Assembly, on the Day of the Return of such Writs, which said Indentures shall be deemed and taken to be the Sheriff's Return of such Representatives.

The Time of
such Elec-
tions.

XV. ALL which said Elections shall begin between the Hours of Ten in the Morning and Two in the Afternoon; and that no Person or Persons whatsoever, by Force of Arms, or menacing, shall disturb the Freemen of this Province in the free Election of their said Representatives, but that the same Election shall be freely and indifferently made.

The Sheriff
or Coroner to
give Notice
thereof.

XVI. And be it further enacted by the Authority aforesaid, That if any Sheriff shall refuse or neglect to give Notice of the said Elections by Writs, he shall forfeit *One Hundred Pounds*, Money aforesaid, one Half to the Governor, and the other Half

Half to him that shall sue for the same in Manner aforesaid; and upon such Neglect or Refusal, the Coroner of the respective County where the same shall happen is hereby required, by himself or his Deputy, to officiate and perform all that the said Sheriff or his Deputy ought to have done and performed at the said Elections, according to the Tenor and Directions of this Act, under the Penalty of *Fifty Pounds*, to be recovered as aforesaid, the one Half to the Governor, and the other Half to him that shall sue for the same.

XVII. *AND* every Sheriff, or other Officer, not making good and true Returns of the said Elections of Representatives, or Members of Assembly, according to the Direction of this Act, or refusing, or wilfully neglecting, to do and perform what is hereby required to be done at and after the said Elections, shall forfeit for every such Offence the Sum of *One Hundred Pounds*, Money aforesaid; one Half thereof to the Governor, and the other Moiety to him that will sue for the same in Manner aforesaid.

And make true Returns.

XVIII. *AND* be it further enacted by the Authority aforesaid, That the Representatives so chosen and met, according to the Direction of this Act, shall be the Assembly of this Province, and shall have Power to choose a Speaker and other their Officers, and shall be Judges of the Qualifications and Elections of their own Members, sit upon their own Adjournments, appoint Committees, prepare Bills in order to pass into Laws, impeach Criminals, and redress Grievances, and shall have all other Powers and Privileges of an Assembly, according to the Rights of the free-born Subjects of *England*, and as is usual in any of the Queen's Plantations in *America*.

The Powers and Privileges of an Assembly confirmed.

XIX. *AND* if any County or Part of this Province shall refuse or neglect to choose their respective Representatives as aforesaid, or, if chosen, do not meet to serve in Assembly, those who are so chosen and met shall have the full Power of an Assembly, in as ample Manner as if all the Representatives had been chosen and met; *Provided*, they are not less than two Thirds of the whole that ought to meet.

Two Thirds of the Members make a Quorum.

XX. *AND* be it further enacted by the Authority aforesaid, That no Person who shall be hereafter a Member of the Assembly, or House of Representatives of this Province, shall be capable to vote in the said House, or sit there during any Debate, after their Speaker is chosen, until he shall make and subscribe the following Declarations and Profession of his Christian Belief, *viz.*

Members to be qualified.

I A. B. do sincerely promise, and solemnly declare before *GOD* and the World, That I will be faithful and bear true Allegiance to *Queen ANNE*. And I do solemnly profess and declare, That I do, from my Heart, abhor, detest and renounce, as impious and heretical, that damnable Doctrine and Position, That Princes excommunicated or deprived by the Pope, or any Authority of the See of Rome, may be deposed or murdered by their Subjects, or any other whatsoever.

Their Qualification.

AND I do declare, That no foreign Prince, Person, Prelate, State or Potentate hath, or ought to have, any Power, Jurisdiction, Superiority, Prebeminence or Authority, ecclesiastical or spiritual, within the Realm of England, or the Dominions thereunto belonging.

Altered by an Act passed in the 11th Geo. I. entitled, An Act prescribing the Forms of Declaration of Fidelity, &c.

AND I A. B. do solemnly and sincerely, in the Presence of *GOD*, profess, testify and declare, That I do believe that in the Sacrament of the *LORD's* Supper there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of *CHRIST*, at or after the Consecration thereof, by any Person whatsoever; and that the Invocation or Adoration of the Virgin Mary, or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of Rome, are superstitious and idolatrous.

AND I do solemnly, in the Presence of *GOD*, profess, testify and declare, That I do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the Words read unto me, as they are commonly understood by English Protestants, without any Evasion, Equivocation, or mental Reservation whatsoever, and without any Dispensation already granted me for this Purpose by the Pope, or any other Authority or Person whatsoever, or without any Hope of any such Dispensation from any Person or Authority whatsoever, or without thinking I am or may be acquitted before *GOD* or Man, or absolved of this Declaration, or any Part thereof, although the Pope, or any other Person or Persons, or Power whatsoever, should dispense with or annul the same, or declare that it was null or void from the Beginning.

AND

AND I A. B. profess Faith in GOD the Father, and in JESUS CHRIST, his eternal Son, the true GOD, and in the HOLY SPIRIT, one GOD, blessed for ever more; and do acknowledge the Holy Scriptures of the Old and New-Testament to be given by divine Inspiration.

How the same shall be made, and when and where.

WHICH said Declarations and Profession of Faith shall be, in the next and every succeeding Assembly to be held in this Province, solemnly and publicly made and subscribed, betwixt the Hours of Nine in the Morning and Four in the Afternoon, by every such Member of the House of Representatives, at the Table, in the Middle of their House, and while a full House of Representatives is there sitting, with their Speaker in his Chair; and during the making and subscribing thereof, all Business and Debates in the said House shall cease.

And shall be recorded by the Clerk of the Assembly.

XXI. AND the Clerk of the Assembly is hereby required to record the same in Rolls or Books prepared for that Purpose; and every Member of Assembly shall pay the Clerk for recording thereof *Five-pence*, and no more. And that the Manner and Method of making the said Declarations shall be as followeth, *to wit.* the Speaker shall first read and subscribe the same, and after him every Member, as he is called over, shall either read and subscribe the said Declarations, or else subscribe them as they shall be read unto him by the Clerk of the Assembly.

No Member shall be denied to sit, &c. that makes and subscribes the same;

XXII. AND be it further enacted by the Authority aforesaid, That no Person whatsoever, who at any Time shall be elected Member of Assembly in this Province, and who shall make, and be willing and offer to make and subscribe, the said Declarations in Manner and Form aforesaid, shall be rejected or denied to sit, debate and act, in the House of Representatives, or General Assembly of this Province.

except such as shall be unduly elected, &c.

XXIII. PROVIDED nevertheless, That nothing herein contained shall extend to debar or hinder the House of Representatives to reject such Persons, as are or shall be unduly elected Members to serve in Assembly, or such as the Assembly, or major Part of them, shall see cause from Time to Time, by Vote, to expel, or disable to sit or serve there, by Reason of ill Practice in Elections, or Misbehaviour in the House.

Assembly-mens Wages.

XXIV. AND be it further enacted by the Authority aforesaid, That every Member chosen, or to be chosen, to serve in Assembly as aforesaid, shall be allowed the Sum of *Six Shillings per Day*, and the Speaker *Ten Shillings per Day*, during his and their Attendance in the Service thereof; and that every Member of Assembly shall be allowed, towards his travelling Charges, after the Rate of *Three-pence* a Mile, coming to and going from the Place where the Assembly is or shall be held.

Recorded A, Vol. I. p. 176.

C A P. XXIV.

An A C T for selling Beer and Ale by Wine-Measure.

Preamble.

Taverns to sell Beer or Ale by Wine-Measure in their Houses, and Beer-Measure out of Doors.

WHEREAS by a Law of this Province, for regulating the Dimensions of Casks, &c. it is enacted, among other Things, That a Barrel shall contain Thirty-one Gallons Wine-Measure. And whereas by another Law of this Province, for regulating of Weights and Measures, it is, amongst other Things, enacted, That none shall sell Beer or Ale by Retail, but by Beer-Measure, according to the Standard of *England*; by Reason whereof the Retailers of Beer and Ale are obliged to sell the same by far greater Measure than they buy it: For Remedy whereof, BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That from and after the Publication of this Act, all Persons which now are, or which at any Time or Times hereafter shall be, licensed to keep any Tavern, Inn, Ale-house or Victualling-house within this Province, shall sell Beer and Ale by Wine-Measure to all Persons as drink it in their Houses, and by Beer-Measure to all such Persons as carry the same out of their Houses, under the Penalty of *Ten Shillings*, to the Use of the Poor for every County where the Offence is committed, any Law, Custom or Usage, to the contrary in any wise notwithstanding.

II. PRO-

II. *PROVIDED* always, and be it further enacted by the Authority aforesaid, That the above recited Law, entituled, *An Act for regulating Weights and Measures*, and every Part and Proviso therein contained, except the last Clause thereof, relating to selling Beer and Ale by Beer-measure, shall be and remain in full Force, any Thing herein contained to the contrary notwithstanding.

Recorded A, Vol. 1. p. 184.

C A P. XXV.

An A C T for the more easy and effectual collecting of the Proprietary's Quitrents.

WHEREAS since the first Location of Lands in this Province, the Quitrents reserved upon the several Grants, as well before the Date of the Royal Charter to the Proprietary, as since, have been very irregularly and uncertainly collected, not only to the great Loss of the Proprietary himself, who has thereby been kept out of his just Rights, but also to the great Inconveniency of the Freeholders, by having no certain and exact Accounts of their Quitrents kept; and being suffered, upon their Negligence, to run so far in Arrears, that the Payment of what would be easy yearly, becomes more grievous and burthensome when to be paid in one Sum. And further, that upon the transferring of Lands incumbered with Quitrents, the whole Arrears often become an intire Loss to the Purchaser. For Remedy whereof, BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That there shall be always in this Province a Receiver-General appointed by the Proprietary, his Heirs or Assigns, or, upon Failure thereof, or in case of Death or Removal, by those that represent the Proprietary, his Heirs or Assigns, in this Province, in Matters of Property, who shall hold an Office, which shall be called the Receiver-General's Office, for *Pennsylvania*; and either by himself, or sufficient Deputies, or other Persons appointed by the Proprietary, his Heirs or Assigns, or such as do or shall represent him or them in Matters of Property as aforesaid, by Commissions or Deputations (which, with the present Receiver-General's Commission, and his Deputations to the several Collectors of Quitrents, shall be recorded in the Office of Inrolment in each County of this Province) shall sit on some certain Day or Days in the First Month, called *March*, yearly, at such Place or Places in the respective Counties, as is by the Proprietary's Patents appointed; of which Time and Place Ten Days Notice shall be, by the respective Receiver, given and published, by affixing Notes or Advertisements in Writing upon the Doors of the public Meeting-Houses for religious Worship in each County; and then and there receive all Quitrents due for such Lands in each County, from all and every the Freeholders and others that possess and claim the same, who shall, pursuant to their Tenures, be hereby obliged, at such Time and Place, to appear in Person, or by their Friends, and pay their Arrears of Rent. And the said several Payments shall be duly entered in a fair Roll, made and kept for every County, with each Township in every County, and all the Lands therein, according to the said Patents, in distinct Entries; which shall be subjected to the View of every Person, as far as they relate to any particular Tract that such Person is or may be in any wise concerned, either in his own Right, or for or in the Right of others.

II. AND in case any Person, who so holds and claims any Lands or Lots in this Province, shall neglect to appear as aforesaid, and pay their Quitrents, Notice being given as aforesaid, the Receiver or Collector may levy the same by Distress, according as the Law of *England* impowers and directs to distrain for Rents. And if no Distress can be found, the Proprietary, his Heirs or Assigns, may sue for the Rent, or Arrearages thereof, in an Action of Debt at the respective County Court, and shall recover the same as any other Debt may be recovered by the Laws of this Government.

III. *PROVIDED* always, That no such Action, if the Defendant fail of fully answering the Debt, shall afterwards be a Bar to the Proprietary, his

L

Heirs

Heirs or Assigns, against recovering the same Arrears that were sued for, of the Land or Lots from whence they accrued, by all such lawful Means as might be done if such Action had not been commenced.

Saving all
lawful Re-
medies.

Rents pay-
able in
Wheat re-
gulated.

Arrears of
Rent not to
be distrained
for, till six
Months after
Notice given,
&c.

Where
Receipts
cannot be
found, the
Accounts of
the Receiv-
ers, &c.
shall be al-
lowed by the
Receiver-
General.

No Proof ap-
pearing, and
the Party de-
clares the
Sum paid,
&c. the
Cause to be
tried by a
Jury.

Obligation
given for
Quitrent to
discharge,
&c.

The Rent
first reserved
shall be ap-
portioned,
&c.

IV. BUT where any Person, holding Lands of the Proprietary, is not by Patent, Deed or Contract, obliged to pay his Rent at any certain Place, and after such Notice of Time and Place given by the Receiver or Collector as aforesaid, refuses to pay the same accordingly, it shall be lawful for such Receiver or Collector to distrain for the Rent due before such Demand; or for Want of Distress the same shall be sued for as aforesaid. Saving to all Persons that shall be wrongfully distrained upon, or sued by Colour of this Act, all their legal Pleas and Remedies, prescribed or allowed in such Cases by the Laws of *England*.

V. *PROVIDED* always, and it is hereby enacted, That every Renter who is by Patent or Contract to pay his Rent in Wheat, shall deliver the same in good merchantable Wheat into some convenient Mill, within a Mile of any navigable Water, which may best suit the said Renter; and the Miller's Receipt for the same being produced to the Receiver or Collector, shall be accounted and taken as sufficient Payment for so much as shall be therein mentioned, and the Renter shall be discharged thereupon accordingly.

VI. *PROVIDED* also, That no Person shall be distrained upon or sued for any Rent, or Arrears of Rent heretofore due, until Six Months be expired after the first Demand thereof shall be made, or Notice given as aforesaid, to the End that every one may have Time to provide his Receipts and Proofs of Payments, if any be made; and for that Purpose he shall have free Recourse to all Rent-rolls, Books and Accounts, of all the Receivers or Collectors of Quitrents that can be found, to make out the Payments where Receipts cannot be produced: Which said Receivers and Collectors, their Executors and Administrators, shall, and are hereby required, before the Twenty-fourth Day of the Month called *June*, in the Year of our Lord One Thousand Seven Hundred and Six, to bring into the Receiver General's Office, at *Philadelphia*, all the Accounts of Rents gathered, received or had, by the said respective Receivers or Collectors, or by their Order, or true Copies of such Accounts, not already brought in; and if any Rents be thereby discovered, or otherwise made appear to be paid, or secured by Obligation, or other Specialty for that Purpose, the same shall be allowed by the Receiver-General, or his Deputy for the Time being, or by such other Person as shall be appointed to collect the Proprietary's Rents as aforesaid.

VII. *PROVIDED* also, That where Receipts cannot be produced, nor any apparent Credit in or by any of the said Receivers Rolls, Books or Accounts, or no other Proof can be made of the Payment of the Rents, or Arrears of Rents heretofore due, to the Satisfaction of such Receiver or Collector, and yet the Party declares the same is paid or secured as aforesaid, in Part or in all, then, and in such Cases, the Receiver or Officer shall not make Distress for such Rents or Arrears, but may sue for the same; and the Tenant or Debtor shall be allowed to give his own Affirmation, backed with probable Circumstances, or Proof of others, in Evidence to the Jury, for his Discharge; and if such Evidence be not to the Satisfaction of the Jury, they shall find for the Plaintiff.

VIII. *PROVIDED* also, That every Obligation or Specialty, which hath been or shall be given for Arrears of Quitrent, shall discharge the Obligors of so much thereof, and be a Bar to any Action or Avowry for the same.

IX. *AND* be it further enacted by the Authority aforesaid, That none of the said Quitrents shall be multiplied, but the Rent or Sum first reserved shall be apportioned; and no Person, after he has given the Receiver or Collector a due Account of what Land he has alienated, and the same is entered in the Roll as is herein after directed, shall be charged, distrained or sued, for any more of the said Quitrents than what shall be really due, or ought of Right to be required and had, for the Quantity of Ground or Number of Acres which he or she respectively holds. And no Person shall be charged or obliged to pay any Quitrents for such Parts of his or her Lands or Lots, as he or she shall have alienated or conveyed to another who resides upon any Lands adjoining, upon the Account of which he or she was before entered in the Rent-roll, after such Time as the said Alienation is entered into the said Roll; which the Receiver or Officer, upon due Notice had thereof, is hereby required to do.

X. *PRO-*

X. *PROVIDED* always, That no Proportions or Parts of Quitrents, for Lots or Lands sold or alienated after the Twenty-fifth Day of the Month called *March*, in the Year One Thousand Seven Hundred and Six, shall be less than *Twelve-pence Sterling* for new Renters, and one Bushel of Wheat for old Renters, and upon Alienations before the said Twenty-fifth Day of *March*, the Receiver or his Deputies shall not be obliged to receive, for any Part or Parcel of Lots or Lands, less than *Three-pence Sterling* yearly, or one Peck of Wheat. And the Receiver, or his Deputies, are hereby required to enter into the respective Rolls every such Alienation as aforesaid; for which the under Purchaser, who shall be so entered, shall pay *One Shilling*.

Limitation
of the Pro-
portions of
Rents.

The Receiver
to enter into
his Rent-
rolls every
Alienation.

XI. *AND WHEREAS* divers Persons, who are not resident in this Province, have procured their Lands to be located, where the same, by the Settlement of the neighbouring Inhabitants, are greatly improved in Value, and yet have not paid Quitrents nor public Charges, for Want of some Person on the Place to answer for them, *Be it therefore enacted by the Authority aforesaid*, That from and after the Twenty-fifth Day of the Month called *March*, which shall be in the Year One Thousand Seven Hundred and Eight, where any Tracts of Lands or Lots shall be in Arrears for the Quitrents yearly arising thereupon, or for the Provincial or County Rates assessed, or to be assessed, or made payable for the same, it shall be lawful for the Clerk of the County where such Lands lie, in the Name of the Proprietary, to sue such Non-resident in the respective County Court, as well for the Arrears of Quitrents, as Taxes unpaid for the Space of Three Years, or more, next before such Suit; and if the Defendant doth not, by himself or any other, appear to defend such Suit, and pay the said Arrears of Quitrents and Taxes, Judgment shall be given against the Defendant, and Execution shall be awarded, to be levied on so much of the said Lands as shall satisfy the Judgment, in the same Manner as other Lands, by the Laws of this Province, are to be taken and sold upon Execution for the Payment of Debts; and so much of the Money raised by such Sale as shall be due for Quitrents, shall be by the Sheriff paid to the Proprietary, or his Receiver; and what shall be due for Taxes, shall be paid to the Provincial or County Treasurer respectively.

Lands, &c.
in Arrears
for three
Years Quit-
rents, or
County Le-
vies, may
be levied on
in Manner as
other Lands,
&c. for Pay-
ment of
Debts.

XII. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful for the Justices of each County in this Province, to grant Writs of Replevin in all Cases whatsoever, where Replevins may be granted by the Laws of *England*, taking Security as the said Law directs, and make them returnable to the respective Courts of Common Pleas in the proper County, there to be determined according to Law.

Writs of Re-
plevin grant-
able.

Recorded A, Vol. I. p. 185.

C A P. XXVI.

An ACT about Departers out of this Province.

BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That every Person, intending to depart or leave this Province, shall publish his or her Intentions in Writing, under one Justice's Hand, affixed on the Door of the County Court-house where he or she inhabits, Thirty Days before his or her Departure, and shall have a Pass under the Province or County Seal. And if any Master of Ship or Vessel shall presume to convey or transport any Person, inhabiting in this Province, out of this Government without such Pass, such Master or other Person shall pay all Damages that shall happen thereby.

Persons in-
tending to
leave the
Province to
give Notice
of their In-
tentions.

Recorded A, Vol. I. p. 189.

C A P. XXVII.

An ACT for the better improving a good Correspondence with the *Indians*. Expired.

Recorded A, Vol. I. p. 190.

C A P. XXVIII.

An A C T about Attachments.

9 G^{EO}. I.
Cap. 3.
26 G^{EO}. II.

Justices to
grant Writs
of Attach-
ment.

Proceedings
on Attach-
ments.

Attachments
against Resi-
dents when
to be granted.

WHEREAS the Laws of this Government have hitherto been deficient in respect of Attachments, so that the Effects of Persons absenting are not equally liable with those of Persons dwelling upon the Spot, to make Restitution for Debts contracted or owing within this Province, to the great Injury of the Inhabitants thereof, and Encouragement of such unworthy Persons as frequently, by absconding, make an Advantage of the Defect aforesaid: To prevent which Inconveniency, **B E I T E N A C T E D** by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Justices of the respective County Courts within this Province shall, and are hereby impowered to grant Writs of Attachment; which Attachments so granted shall be duly served, by the respective Sheriffs or Coroners, as the Case may require, upon the Goods and Chattels of such Person or Persons against whom the same shall be awarded, in whose Hands or Possession the same shall be found, returnable to the next succeeding Court respectively, where the Party may proceed to Trial, and shall have Judgment granted the third Court after the Effects are seized.

II. *A N D* be it further enacted by the Authority aforesaid, That the Person or Persons, whose Goods or Effects are so attached, shall be Defendant in the Attachment; and the Person, in whose Hands or Possession the same Goods or Effects are attached, shall be called the Garnishee, and shall be obliged to appear in Court at the Return of the Attachment, and answer what shall be objected against him, and abide the Judgment of Court, and shall be allowed, out of the Effects attached, reasonable Satisfaction for his Attendance. And that the Manner of executing Writs shall be by the Officer's going to the House, or to the Person in whose Hands or Possession the Defendant's Goods or Effects are supposed to be, and then and there declare, in the Presence of one or more credible Persons of the Neighbourhood, That he attacheth the same Goods or other Effects: From and after which Declaration the Goods, Money or Effects, so attached, shall remain in the Officer's Power, and be by him secured, in order to answer and abide the Judgment of Court in that Case, unless the Garnishee will give Security therefor. And if the Plaintiff in the Attachment obtain a Verdict, Judgment and Execution, for the Money and Goods in the Garnishee's Possession, yet the Defendant in the Attachment may, at any Time before the Money be paid, put in Bail to the Plaintiff's Action, upon which the Attachment is grounded; whereby the Garnishee will and shall be immediately discharged. And if an Attachment shall be made for Goods or Effects, and the Garnishee plead he had no Goods or Effects in his Hands at the Time of the Attachment, or at any Time after, and the Plaintiff prove the contrary, the Jury in such Case, being satisfied that the Proof is plain and full, shall find for the Plaintiff, and say what Goods or Effects they find in the Garnishee's Hands; whereupon Judgment shall be entered, that Appraisement may be made of the said Goods or Effects so found by the Jury, and a Precept shall be granted, requiring the Sheriff to get the same appraised; and if the Garnishee will not produce them, then Execution shall be forthwith awarded for the Value thereof according to Appraisement; to be levied upon the Lands, Tenements, Goods and Chattels, of the Garnishee.

III. *PROVIDED* always, That no Writ of Attachment shall hereafter be granted against any Person or Persons Effects, but such only as at the Time of granting such Writs are not resident or residing within this Province, or are about to remove or make their Escape out of the same, and shall refuse to give sufficient Security to the Complainant for his Debt or other Demand, before he depart the said Province.

IV. *PROVIDED* also, That after Judgment obtained by the Plaintiff, upon any Attachments against Non-Residents, the Plaintiff shall, before Sale, and after

after Execution is awarded, find Security, who shall undertake for the Plaintiff, That if the Defendant in the Attachment shall, within a Year and a Day next following, by himself or Attorney, come into Court, and disprove or avoid the Debt recovered by the Plaintiff against him, or shall discharge the same, with Costs, that then the Plaintiff shall restore to the Defendant the Goods or Effects, or Value thereof, by the Plaintiff attached and condemned, or so much thereof as shall be disproved or discharged, or else that they shall and will do it for him.

Plaintiff to find Surety to restore, &c.

Recorded A, Vol. I. p. 191.

C A P. XXIX.

An ACT for the Trial of *Negroes*.

WHEREAS some Difficulties have arisen within this Province, about the Manner of Trial and Punishment of *Negroes* committing Murder, Manslaughter, Buggery, Burglary, Rapes, Attempts of Rapes, and other high and heinous Enormities and capital Offences: For Remedy thereof, and for the speedy Trial and condign Punishment of such *Negroes* offending as aforesaid, BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That it shall and may be lawful for two Justices of the Peace of this Province, who shall be particularly commissioned by the Governor for that Service, within the respective Counties thereof, and Six of the most substantial Freeholders of the Neighbourhood, to hear, examine, try and determine, all such Offences, committed by any *Negro* or *Negroes* within this Province: Which said Freeholders shall be by Warrant under the Hands and Seals of the respective Justices commissioned as aforesaid, directed to the next Constable, summoned to appear at such Time and Place as the said Justices shall therein appoint: Which Freeholders the said Justices shall solemnly attest, *Well and truly to give their Assistance and Judgment upon the Trial of such Negroe or Negroes*: Who shall hold a Court, for the hearing, trying, judging, determining and convicting of such *Negro* or *Negroes*, as shall be before them charged or accused of committing any Murder, Manslaughter, Buggery, Burglary, Rapes, Attempts of Rapes, or any other high or heinous Offence, committed, acted or done, in any of the respective Counties within this Province as aforesaid.

Negroes how to be tried for capital Offences.

II. *AND be it further enacted by the Authority aforesaid*, That upon the holding of such Court by the said Justices and Freeholders as aforesaid, it shall and may be lawful for the said Justices and Freeholders to examine, try, hear, judge, determine, convict, acquit or condemn, according to Evidence and full Proof, any *Negro* or *Negroes*, for any the Crimes or Offences aforesaid, or any other high or capital Offence; and upon due Proof and Conviction, to pronounce such Judgment or Sentence in the Premises, as is agreeable to Law, and the Nature of the Offence; or otherwise to acquit, free and discharge, such *Negro* or *Negroes*, in case the Evidence shall not be sufficient for a Conviction therein.

Power of the Court.

III. *AND be it further enacted by the Authority aforesaid*, That where such *Negro* or *Negroes* shall be convicted, and Judgment or Sentence shall be pronounced by the respective Justices and Freeholders as aforesaid, and a Warrant by them signed and sealed, to be directed to the High-Sheriff of the County where the Fact was committed or tried, for the Execution of such *Negro* or *Negroes*, the same shall be duly executed, or caused to be duly executed by the said Sheriff, on Pain of being disabled to act any longer in that Post or Office. And if any of the said Justices or Freeholders neglect or delay to do their Duty therein, they shall be liable to be fined by the Governor and Council, in any Sum not exceeding *Five Pounds*, to be levied by Distress and Sale of the Goods and Chattels of such Justices or Freeholders, so refusing as aforesaid.

The Sheriff to execute their Judgments.

Penalty on the Justices and Freeholders Neglect of Duty.

IV. *AND be it further enacted by the Authority aforesaid*, That if any *Negro* or *Negroes*, within this Province, shall commit a Rape or Ravishment upon any white Woman or Maid, or shall commit Murder, Buggery or Burglary, they shall be tried as aforesaid, and shall be punished by Death. And for an Attempt of Rape or Ravishment on any white Woman or Maid, and for rob-

Punishments of several Offences.

bing, stealing, or fraudulently taking and carrying away any Goods, living or dead, above the Value of *Five Pounds*, every *Negro*, upon Conviction of any of the said Crimes, shall be whipped with Thirty-nine Lashes, and branded on the Forehead with the Letter R or T, and exported out of this Province by the Master or Owner, within Six Months after Conviction, never to return into the same, upon Pain of Death, and shall be kept in Prison till Exportation at their Masters or Owners or their own Charge. And for robbing or stealing any Goods as aforesaid, under the Value of *Five Pounds*, every *Negro*, upon Conviction thereof, shall be whipped at the Discretion of the Justices, with any Number of Lashes, not exceeding Thirty-nine; and the Master or Owner of such *Negro* shall make Satisfaction to the Party wronged for the Value, and pay all Costs, to be levied by Distress and Sale of the said Master's or Owner's Goods, if he or they refuse or delay to answer it otherwise.

*Negroes not
to carry
Guns, &c.*

V. *AND be it further enacted by the Authority aforesaid*, That if any *Negro* shall presume to carry any Gun, Sword, Pistol, Fowling-piece, Clubs, or other Arms or Weapons whatsoever, without his Master's special Licence for the same, and be convicted thereof before a Magistrate, he shall be whipped with Twenty-one Lashes on his bare Back.

*nor to meet
in Compa-
nies.*

VI. *AND be it further enacted by the Authority aforesaid*, That for the preventing *Negroes* meeting and accompanying together upon First Days of the Weeks, or any other Day or Time, in great Companies or Numbers, that if any Person or Persons give Notice thereof, and to whom they respectively belong, to any Justice of the Peace within this Province, the same being above the Number of Four in Company, and upon no lawful Business of their Masters or Owners, such *Negroes*, so offending, shall be publicly whipped, at the Discretion of one Justice of the Peace, not exceeding Thirty-nine Lashes.

Recorded A, Vol. I. p. 193.

C A P. XXX.

An A C T to prevent the Importation of *Indian Slaves*.

*Indian Slaves
not to be im-
ported.*

WHEREAS the Importation of *Indian Slaves* from *Carolina*, or other Places, hath been observed to give the *Indians* of this Province some Umbrage for Suspicion and Dissatisfaction, BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if, after the Twenty-fifth Day of *March*, in the Year One Thousand Seven Hundred and Six, any Person shall import, or cause to be imported, any *Indian Slaves* or Servants whatsoever, from any Province or Colony in *America*, into this Province, by Land or Water, such only and their Children, if any, excepted, as, for the Space of one Year before such Importation, shall be proved to have been menial Servants in the Family of the Importer, and are brought in together with the Importer's Family, every such Slave or Servant, so here landed, shall be forfeited to the Government, and shall be either set at Liberty, or otherwise disposed of, as the Governor and Council shall see Cause.

II. *PROVIDED always*, That no such *Indian Slave* as, deserting his Master's Service elsewhere, shall fly into this Province, shall be understood or be construed to be comprehended within this Act.

Recorded A, Vol. I. p. 195.

C A P. XXXI.

The L A W about Seven Years quiet Possession.

BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That Seven Years quiet Possession of Lands within this Province, which were first entered on

upon

upon an equitable Right, shall for ever give an unquestionable Title to the same Quiet Possession where to give Right. against all, during the Estate whereof they are or shall be possessed, except in Cases of Infants, married Women, Lunaticks, and Persons not residing within this Province or Territories.

Recorded A, Vol. I. p. 195.

C A P. XXXII.

An A C T for the killing of Wolves.

FOR preventing the Destruction of Sheep and Cattle by Wolves, **B E I T** 11 GEO. I. Cap. 3. Sect. 5. **ENACTED** by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Person within this Province shall kill a Dog-wolf, he shall have *Ten Shillings*, and if a Bitch-wolf, *Fifteen Shillings*, to be paid out of the County Stock: *Provided* such Person brings the Wolf's Head to one of the Justices of the Peace of that County, who is to cause the Ears and Tongue of the said Wolf to be cut off: And that the *Indians*, as well as others, shall be paid for killing of Wolves accordingly.

II. *AND be it further enacted by the Authority aforesaid*, That all and every Person or Persons, who are willing to make it their Business to kill Wolves, and shall enter into Recognizance, before two or more Justices of the Peace of the respective Counties where he or they dwell, with sufficient Security, in the Sum of *Five Pounds*, That he or they shall and will make it his or their sole Business, at least three Days in every Week, to catch Wolves, shall have *Twenty-five Shillings* for every Wolf, Dog or Bitch, that he or they shall so catch and kill, within the Time mentioned in the said Recognizance; to be paid out of the County Levies where the Wolves are taken as aforesaid. Encouragement to kill Wolves.

Recorded A, Vol. I. p. 196.

C A P. XXXIII.

An A C T against mixing and adulterating strong Liquors.

FOR the preventing of Fraud in mixing and adulterating Rum, Brandy, or such like Spirits, **B E I T** **ENACTED** by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Person within this Province shall presume to sell Rum, Brandy, or such like Spirits, that is adulterated or mixed with Water, or any other Liquor, knowing the same to be so adulterated or mixed, being convicted thereof, by one or more credible Witnesses, he or she shall, for every such Offence, forfeit the said Rum, Brandy or Spirits to be exposed to Sale, and pay treble the Value thereof; one Moiety to the Support of Government, and the other Moiety or Half to him that shall discover and prosecute the same. Penalty on selling adulterated strong Liquors.

Recorded A, Vol. I. p. 196.

C A P. XXXIV.

An A C T for Mariners not to be trusted.

TO the End that no Mariners shall be arrested, to hinder their Voyage in any Ship or other Vessel to which they belong, bound out to Sea, **B E I T** **ENACTED** by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Person, Ordinary-keepers or others, within this Province, shall trust any Mariner belonging to any Vessel above *Five Shillings*, unless the Master of the Ship or Vessel to which such Mariner Mariners not to be trusted above 5s.

riners belongs, engage for the same, upon the Penalty of losing what they so trust, and of the Sum of *Five Pounds*, over and above, for each Offence; one Moiety thereof to the Master or Merchant injured, and the other to the Governor; and shall further forfeit their Licenses, except such Mariner have Goods on board the said Vessel, or otherways, to answer the same.

Recorded A, Vol. I. p. 197.

C A P. XXXV.

An A C T for County Seals, and against counterfeiting Hands and Seals.

BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That there shall be a County Seal in every County of this Province, for the Use of each County; and if any Person, within the said Province, shall be convicted of counterfeiting the Hand or Seal of another, with Intent to defraud, such Person shall suffer Three Months Imprisonment, at hard Labour, and be fined treble the Value he or she shall have defrauded, or attempted to have defrauded, thereby, to the Use of the Party wronged. And whosoever shall counterfeit the Privy or Broad Seal of the said Province, being convicted thereof, shall suffer Seven Years Imprisonment as aforesaid, and be fined, at the Discretion of the Court where such Party shall be convicted, in any Sum not exceeding *One Hundred Pounds*, to the Support of Government.

Recorded A, Vol. I. p. 197.

C A P. XXXVI.

An A C T for Defalcation.

BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if two or more, dealing together, be indebted to each other upon Bonds, Bills, Bargains, Promises, Accounts, or the like, and one of them commence an Action in any Court of this Province, if the Defendant cannot gainsay the Deed, Bargain or Assumption, upon which he is sued, it shall be lawful for such Defendant to plead Payment of all or Part of the Debt or Sum demanded, and give any Bond, Bill, Receipt, Account or Bargain, in Evidence; and if it shall appear that the Defendant hath fully paid or satisfied the Debt or Sum demanded, the Jury shall find for the Defendant, and Judgment shall be entered, that the Plaintiff shall take nothing by his Writ, and shall pay the Costs. And if it shall appear that any Part of the Sum demanded be paid, then so much as is found to be paid shall be defalked, and the Plaintiff shall have Judgment for the Residue only, with Costs of Suit. But if appear to the Jury, that the Plaintiff is overpaid, then they shall give in their Verdict for the Defendant, and withal certify to the Court how much they find the Plaintiff to be indebted or in Arrear to the Defendant, more than will answer the Debt or Sum demanded, and the Sum or Sums so certified shall be recorded with the Verdict, and shall be deemed as a Debt of Record; and if the Plaintiff refuse to pay the same, the Defendant, for Recovery thereof, shall have a *Scire Facias* against the Plaintiff in the said Action, and have Execution for the same, with the Costs of that Action.

II. *PROVIDED* always, That in all Cases where a Tender shall be made, and full Payment offered by Discount, or otherwise in such Specie as the Party by Contract or Agreement ought to do, and the Party to whom such Tender shall be made doth refuse the same, and yet afterwards will sue for the Debt or Goods so tendered, the Plaintiff shall not recover any Cost in such Suit.

III. *PRO-*

The Penalty on counterfeiting Hand or Seal.

Or the Privy or Broad Seal.

Persons sued upon Bond, Bills &c. may plead Payment of Part or the whole Debt, and give their Accounts against the Plaintiff in Evidence.

Proceedings on such Suit.

III. *PROVIDED also*, That in all Cases where the Plaintiff and Defendant, having Accounts to produce one against another, shall, by themselves, or Attornies or Agents, consent to a Rule of Court for referring the Adjustment thereof to certain Persons, mutually chosen by them in open Court, the Award or Report of such Referrees being made according to the Submission of the Parties, and approved of by the Court, and entered upon the Record or Roll, shall have the same Effect, and shall be deemed and taken to be as available in Law, as a Verdict given by Twelve Men; and the Party, to whom any Sum or Sums of Money are thereby awarded to be paid, shall have Judgment, or a *Scire Facias*, for the Recovery thereof, as the Case may require, and as is herein before directed concerning Sums found and settled by Jury, any Law or Usage to the contrary of this Act, in any wise notwithstanding.

Recorded A, Vol. I. p. 197.

The Report of Referrees to have the same Effect as a Verdict.

C A P. XXXVII.

An A C T for bailing of Prisoners, and about Imprisonment.

BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Prisoners shall be bailable, by one or more sufficient Sureties, to be taken by one or more of the Judges or Justices that have Cognizance of the Fact, unless for such Offences as are or shall be made Felonies of Death by the Laws of this Province. And, at least every Half Year, there shall be a Goal Delivery in every County of this Province, where Imprisonment is not the Punishment: And that Goalers shall not oppress their Prisoners; and that all Prisoners shall be free as to Room; and all Prisoners shall have Liberty to provide themselves with Bedding, Food and other Necessaries, during their Imprisonment. And that the public Allowance shall be *Two-pence per Day*, and no more. And that the respective Prisons shall be Workhouses, until others are provided, for Felons, Thieves, Vagrants, and loose and idle Persons, whereof one shall be in each respective County of this Province. And that no Person or Persons shall be obliged to answer to any Indictment or Presentment, unless the Prosecutor's Name be inserted thereon. And if any Person or Persons shall be imprisoned or prosecuted without probable Cause, he, she or they, shall have double Damages against the Informer or Prosecutor, to be recovered by an Action at common Law.

Recorded A, Vol. I. p. 199.

All Persons bailable, except for Felonies of Death.

The Liberty of Prisoners; and their Allowance. 10 GEO. III. Cap. 9.

C A P. XXXVIII.

An A C T for taking Lands in Execution for Payment of Debts.

TO the End that no Creditors may be defrauded of their just Debts, due to them from Persons who have sufficient real if not personal Estates to satisfy the same, BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all such Lands, Tenements and Hereditaments whatsoever, within this Province, where no sufficient personal Estate can be found, shall be liable to be seized and sold, upon Judgment and Execution obtained.

Vide 13 GEO. I. Cap. 6. 19 GEO. II. Cap. 3. Sect. 3.

Lands, &c. may be sold, for the Payment of Debts;

II. *PROVIDED always*, That when any Debt is hereafter recovered, and Damages awarded, or when any Debt is acknowledged before such as have, or shall have Power to take Cognizance thereof, and Executions awarded thereupon, to be levied upon the Lands, Tenements or Hereditaments, of any Person or Persons whatsoever, it shall not be lawful for any Sheriff or other Officer, by Virtue of such Executions, or of any Writ or Writs thereupon, to sell, or expose to Sale, any such Lands, Tenements or Hereditaments, in this Province,

unless the Rents will satisfy the Debt in seven Years.

which shall or may yield yearly Rents or Profits, beyond all Reprizes, sufficient within the Space of Seven Years to pay or satisfy such Debts or Damages, with Coits of Suit; but that all those Lands, Tenements and Hereditaments, shall, by Virtue of the Writ or Writs of Execution, be delivered to the Party obtaining the same, until the Debt or Damages be levied by a reasonable Extent, in the same Manner and Method as Lands are delivered upon Writs of *Elegits* in England.

If not, &c.
the Lands
may be sold.

III. *PROVIDED* nevertheless, That if the clear Profits of such Lands or Tenements shall not be found, by Inquest of Twelve Men, to be sufficient, within Seven Years, to satisfy the Debt or Damages in such Executions; or if, before the Extent be out, any other Debts or Damages shall be recovered against the same Debtor or Defendant, his Heirs, Executors or Administrators, which, with what remains due upon such Extent, cannot all be satisfied out of the yearly Profits of the Lands or Tenements so extended, within Seven Years, then, and in every such Case, the Sheriff or other Officer shall accordingly certify the same upon the Return of such Executions; whereupon Writ or Writs of *Venditioni Exponas* shall issue forth, to sell such Lands and Tenements, for and towards Satisfaction of what shall so remain due upon such Extent, as also towards Satisfaction of all the rest of the said Debts or Damages, in Manner as is herein after directed concerning the Sale of other Lands.

Proceedings
thereon.

Notice to be
given Ten
Days.

IV. *AND* be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Sheriff, or other Officer, by a Writ of *Levari Facias*, to seize and take all other Lands, Tenements and Hereditaments, in Execution, and thereupon, with all convenient Speed, either with or without any Writ of *Venditioni Exponas*, to make public Sale thereof, for the most they will yield, and pay the Price or Value of the same to the Party, towards Satisfaction of his Debt, Damages and Coits. But before any such Sale be made, the Sheriff, or other Officer, shall cause so many Writings to be made, upon Parchment or good Paper, as the Debtor or Defendant shall reasonably desire or request, or so many, without such Request, as may be sufficient to signify and give Notice of such Sales or Vendues, and of the Day and Hour when, and the Place where the same will be, and what Lands or Tenements are to be so sold, and where they lie; which Notice shall be given to the Defendant, and the said Parchments or Papers fixed by the Sheriff, or other Officers, in the most public Places of the County or City, at least Ten Days before Sale; and upon such Sale, the Sheriff or other Officer shall make Return thereof, indorsed or annexed to the said *Levari Facias*; and give the Buyer a Deed, duly executed and acknowledged in Court, for what is sold, as has been heretofore used upon the Sheriff's Sale of Lands. But in case the said Lands and Hereditaments so to be exposed cannot be sold, then the Officer shall make Return upon the Writ, That he exposed such Lands or Tenements to Sale, and the same remained in his Hand unsold for Want of Buyers; which Return shall not make the Officer liable to answer the Debt or Damages contained in such Writ, but a Writ, called *Liberari Facias*, shall forthwith be awarded, and directed to the proper Officer, commanding him to deliver to the Party such Part or Parts of those Lands, Tenements and Hereditaments, as shall satisfy his Debt, Damages and Interest, from the Time of the Judgment given, with Cost of Suit, according to the Valuation of Twelve Men; to hold to him as his free Tenement, in Satisfaction of his Debt, Damages and Coits, or so much thereof as those Lands, by the Valuation thereof as aforesaid, shall amount unto: And if it fall short, the Party may afterwards have Execution for the Residue against the Defendant's Body, Lands or Goods, as the Laws of this Province shall direct and appoint from Time to Time, concerning other Executions. All which said Lands, Tenements, Hereditaments and Premises, so as aforesaid to be sold or delivered by the Sheriff or Officer aforesaid, with all their Appurtenances, shall or may be quietly and peaceably held and enjoyed by the Person or Persons, or Bodies Politic, to whom the same shall be sold or delivered, and by his and their Heirs, Successors or Assigns, as fully and amply, and for such Estate and Estates, and under such Rents and Services as he or they, for whose Debt or Duty the same shall be so sold or delivered, might, could or ought to do at or before the taking thereof in Execution.

After the
Sale the
Sheriff to
give the
Buyer a
Deed, &c.

How the
Creditor shall
be satisfied,
and hold the
said Lands,
&c.

V. *PROVIDED* always, That the Messuage, Lands or Tenements, upon which the Defendant is chiefly seated, shall not be exposed to Sale before the Expiration

piration of one whole Year after Judgment is given, to the Intent that the Defendant, or any other for him, may redeem the same.

VI. AND forasmuch as divers Persons have mortgaged their Lands and Tenements in this Province, for securing the Payment of Monies, and some of them have died before the Time of Payment, and left others to succeed them, that have proved insolvent; and others have neglected to pay the Mortgage-money, and so Mortgages are become no effectual Security, considering how low the annual Profits of Tenements and improved Lands are here, and the Discouragements which the Mortgagees meet with, by Reason of the Equity of Redemption remaining in the Mortgagers: *Be it therefore enacted by the Authority aforesaid,* That where Default or Defaults have been or shall be made or suffered, by any Mortgager or Mortgagers of any Lands, Tenements, or other Hereditaments, within this Province, or by his, her or their Heirs, Executors, Administrators and Assigns, of or in Payment of the Mortgage-money, or Performance of the Condition or Conditions which they, or any of them, should have paid or performed, or ought to pay or perform in such Manner and Form, and according to the Purport, Tenor and Effect, of the respective Provisoos; Conditions or Covenants, comprised in their Deeds of Mortgage or Defeazance, and at the Days, Times and Places, in the same Deeds respectively mentioned and contained; that in every such Case, it shall and may be lawful to and for the Mortgagee or Mortgagees, and him, her or them, that grant the said Deeds of Defeazance, and his, her and their Heirs, Executors, Administrators or Assigns, at any Time after the Expiration of Twelve Months, next ensuing the last Day whereon the said Mortgage-money ought to be paid, or other Conditions performed as aforesaid, to sue forth a Writ or Writs of *Scire Facias*, which the Clerk of the Court of Common Pleas for the County or City where the said mortgaged Lands or Hereditaments lie, is hereby empowered and required to make out and dispatch, directed to the proper Officer, requiring him, by honest and lawful Men of the Neighbourhood, to make known to the Mortgager or Mortgagers, his, her or their Heirs, Executors or Administrators, that he or they be and appear before the Magistrates, Judges or Justices of the said Court or Courts, to shew if any Thing he or they have to say; wherefore the said mortgaged Premises ought not to be seized and taken in Execution for Payment of the said Mortgage-money, with Interest, or to satisfy the Damages which the Plaintiff in such *Scire Facias* shall, upon the Record, suggest, for the Breach or Non-performance of the said Conditions. And if the Defendant in such *Scire Facias* appears, he or she may plead Satisfaction or Payment of Part or all the Mortgage-money, or any other lawful Plea, in Avoidance of the Deed or Debt, as the Case may require: But if the Defendants in such *Scire Facias* will not appear on the Day whereon the same Writ shall be made returnable, then, if the Case be such as Damages only are to be recovered, an Inquest shall be forthwith charged to enquire thereof, and the definitive Judgment therein, as well as all other Judgments, to be given upon such *Scire Facias*, shall be entered, that the Plaintiff in the *Scire Facias* shall have Execution by *Levari Facias*, directed to the proper Officer; by Virtue whereof the said mortgaged Premises shall be taken in Execution, and exposed to Sale in Manner aforesaid; and upon Sale, conveyed to the Buyer or Buyers thereof, and the Money or Price of the same rendered to the Mortgagee or Creditor; but for Want of Buyers, to be delivered to the Mortgagee or Creditor, in Manner and Form as is herein above directed concerning other Lands and Hereditaments, to be sold or delivered upon Executions for other Debts or Damages; and when the said Lands and Hereditaments shall be so sold or delivered as aforesaid, the Person or Persons to whom they shall be so sold or delivered, shall and may hold and enjoy the same, with their Appurtenances, for such Estate or Estates as they were sold or delivered, clearly discharged and freed from all Equity and Benefit of Redemption, and all other Incumbrances made or suffered by the Mortgagers, their Heirs or Assigns; and such Sales shall be available in Law, and the respective Vendees, Mortgagees or Creditors, their Heirs and Assigns, shall hold and enjoy the same, freed and discharged as aforesaid; but before such Sales be made, Notice shall be given, in Writing, in Manner and Form as is herein above directed concerning the Sales of Lands upon Executions; any Law or Usage to the contrary notwithstanding.

The Mortgagee, upon Non-payment of the Mortgage-money, may, after one Year, sue forth a Writ of *Scire Facias*, &c.

And expose to Sale the mortgaged Premises.

Such Sales shall be available in Law, &c.

Overplus to
be returned
to the
Debtor.

VII. *PROVIDED also, and be it further enacted by the Authority aforesaid,* That when any of the said Lands, Tenements or Hereditaments, which by the Direction and Authority of this Act are to be sold for Payment of Debts and Damages, in Manner aforesaid, shall be sold for more than will satisfy the same Debts or Damages, and reasonable Costs, then the Sheriff, or other Officer, who shall make the Sale, must render the Overplus to the Debtor or Defendant; and then, and not before, the said Officer shall be discharged thereof upon Record, in the same Court where he shall make Return of his Proceedings concerning the said Sales.

The Estate of
the Mortga-
ger shall pass
to the Buyer.

VIII. *PROVIDED also,* That no Sale or Delivery, which shall be made by Virtue of this Act, shall be extended to create any further Term or Estate to the Vendees, Mortgagees or Creditors, than the Lands or Hereditaments so sold or delivered shall appear to be mortgaged for, by the said respective Mortgages or defeazible Deeds.

The Lands,
&c. not to
be restored
upon the Re-
versal of
the Judg-
ments, &c.

IX. *PROVIDED also,* That if any of the said Judgments, which do or shall warrant the awarding of the said Writs of Executions, whereupon any Lands, Tenements or Hereditaments, have been or shall be sold, shall at any Time hereafter be reversed, for any Error or Errors, then, and in every such Case, none of the said Lands, Tenements or Hereditaments, so as aforesaid taken or sold, or to be taken or sold upon Executions, nor any Part thereof, shall be restored, nor the Sheriff's Sale or Delivery thereof avoided, but Restitution, in such Cases, only of the Money or Price for which such Lands were or shall be sold.

Recorded A, Vol. I. p. 199.

C A P. XXXIX.

An ACT about Arrests, and making Debtors pay by Servitude.

Repealed by
an Act passed
3 GEO. II.
Cap. 8. Sect.
2. But Part of
this Act is
revived by 4
GEO. II.
Cap. 3. Sect.
3.

BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Appointment, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That in case any Person arrest another going out of this Government, he shall be ready with his Declaration and Evidence the next Day, and shall put in Security, to pay the Charges and Damages sustained by the Party arrested, if he shall be found in the wrong; and that all Persons of known Estates, refusing to pay their just Debts, if arrested and imprisoned, shall be kept in at their own Charges until Security be given, or Satisfaction be made.

II. *PROVIDED always,* That no Person shall be kept in Prison for Debt or Fines, longer than the second Day of the next Sessions after his or her Commitment, unless the Plaintiff shall make it appear, that the Person imprisoned hath some Estate that he will not produce; in which Case, the Court shall examine all Persons suspected to be privy to the concealing of such Estate; and if no Estate sufficient shall be found, the Debtor shall make Satisfaction by Servitude, according to the Judgment of the Court where such Action is tried (not exceeding seven Years, if a single Person, and under the Age of fifty and three Years, and five Years, if a married Man, and under the Age of forty and six Years) if the Plaintiff require it; but if the Plaintiff refuse such Manner of Satisfaction, according to the Judgment of the Court as aforesaid, then, and in such Case, the Prisoner shall be discharged in open Court.

III. *PROVIDED always,* That nothing in this Act contained shall be construed to subject any Master of Ship or other Vessel, trading into this Province from other Parts, to make Satisfaction for Debt by Servitude as abovesaid.

IV. *AND be it further enacted by the Authority aforesaid,* That no Freeholder, inhabiting in this Province, shall be taken for Debt before Trial, unless he or she be about to depart out of this Province, and refuse to give sufficient Bail for his or her Appearance at the next Court, or Security for the Payment of the Debt; and that in such Case, before any Warrant of Arrest be granted, the Plaintiff shall declare, before those who are impowered to grant the same, that he or she believeth in his or her Conscience that his or her Cause of Action is just,
and

and his or her Declaration and Evidence are ready for Trial, if the Defendant shall pray a special Court; and that in all other Cases of Debt or Damages, relating to Freeholders residing in this Province, the Process and Proceedings shall be by Summons only, as by a former Law of this Province.

V. *PROVIDED always*, That this Law shall not be extended nor be in Force against any Member of the Governor's Council, or Assembly of this Province, during the Sitting of the Assembly, and fourteen Days before, and five Days after rising.

Recorded A, Vol. I. p. 203.

C A P. XL.

An A C T for the Relief of the Poor.

Recorded A, Vol. I. p. 204.—Repealed by 11 GEO. III. Cap. xviii. Sect. 34.

C A P. XLI.

An A C T for confirming the Sales of Lands by Attornies or Agents, and for ascertaining the Proof of Instruments or Writings, made out of this Province.

WHEREAS divers Persons, living out of this Province, are and have been Owners of Lands within the same, and such Persons have usually appointed Attornies to sell and dispose thereof: To the End, therefore, that those who have so purchased, and their Heirs or Assigns, for ever hereafter, be secured in their Titles and Estates, BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Sales of Lands, Tenements and Hereditaments, formerly made by any Attornies or Agents, who have been appointed such by any Person or Persons, who had Right so to do, and especially giving them Power or Directions therein to sell or convey Lands, are and shall be deemed and adjudged good and effectual in Law, to all Intents, Constructions and Purposes, whatsoever, as fully as if the said Owners of such Lands had, by their own Deeds, Bargains and Sales, actually and really sold and conveyed the same; and all and singular the Lands, Tenements and Hereditaments, sold and conveyed as aforesaid, shall be and remain to such Purchasers respectively, their Heirs and Assigns, for ever, as they were or ought to have been to the Owner or Owners of such Lands and Premises, so employing his or their Attornies or Agents as aforesaid.

Sale of Lands formerly made by Attornies, shall be effectual in Law.

II. *AND be it further enacted by the Authority aforesaid*, That all and every Bonds and Specialties, Letters of Attorney, and other Powers in Writing, which shall be produced in any Court, or before any Magistrate, in this Province, the Execution whereof being proved by two or more of the Witnesses thereunto, before any Mayor, or Chief Magistrate or Officer of the Cities, Towns or Places, where such Bonds, Letters of Attorney, or other Writings, are or shall be made or executed, and accordingly certified under the common or public Seal of the Cities, Towns or Places, where the said Bonds, Letters of Attorney, or other Writings, are so proved respectively, shall be taken and adjudged as sufficient in Law, as if the Witnesses therein named had been present, and such Certification shall be sufficient Evidence to the Court and Jury for the Proof thereof.

Bonds and Letters of Attorney how to be proved.

III. *AND it is further enacted by the Authority aforesaid*, That all Sales or Conveyances of Lands, Tenements or Hereditaments, which shall hereafter be made by Virtue of any Letters or Powers of Attorney or Agency, duly executed, which do or shall expressly give Power to sell Lands or other Estates, and be certified to have been proved as aforesaid, or shall be proved in this Province before any Justice of the Peace, by one or more of the Witnesses thereto, shall be good and effectual in Law, to all Intents, Constructions and Purposes whatsoever, as if the said Constituent or Constituents had, by their own Deeds, Bargains and Sales, actually and really sold and conveyed the same.

Future Sales of Lands, &c. by Power of Attorney, regulated.

IV. *PROVIDED always*, That no Sale of Lands, Tenements and Hereditaments, made by Virtue of such Power or Powers of Attorney or Agency as aforesaid,

Powers to be
valid until
Notice of
Revocation.

aforesaid, shall be good and effectual, unless such Sale be made and executed while such Power is in Force; and all such Powers shall be accounted, deemed and taken, to be in Force, until the Attorney or Agent shall have due Notice of a Countermand, Revocation or Death of the Constituent.

Recorded A, Vol. I. p. 206.

C A P. XLII.

An additional A C T for the better preserving the Highways.

Recorded A, Vol. I. p. 208.—Obsolete.

C A P. XLIII.

A Supplementary A C T to that about raising County Levies.

Recorded A, Vol. I. p. 208.—Repealed by 11 GEO. I.

C A P. XLIV.

An A C T to prevent the Running of Swine at large.

2 GEO. II.
Cap. 3.

No Swine to
run at large
without
Rings and
Yokes, with-
in Fourteen
Miles of De-
laware.
Rings and
Yokes de-
scribed.

Proceedings
on Offences
against this
Act.

acquaint a
Justice of the Peace
with the taking up
of Swine, or Hogs &

names of Swine

Justice to ad-
vertise, &c.

WHEREAS the Freeholders and Owners of Lands and Plantations within this Province, have received great Damage and Spoil in their Corn-fields, Meadows and Out-lands, by Swine running at large, without Rings and Yokes: For the Prevention whereof for the future, BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That from and after the First Day of the Twelfth Month, called *February*, next ensuing the Publication hereof, no Swine shall be suffered to run at large, without Rings and Yokes, under the Penalty of forfeiting Half the Value thereof, to the Use hereafter expressed: Therefore if any Person or Persons shall find on his, her or their Lands, within Fourteen Miles of the navigable Parts of the River *Delaware*, any Swine, Hog or Hogs, Shoat or Shoats, or Pigs, without Rings in their Noses, sufficient to prevent their turning up the Ground, and triangular or three cornered Yokes or Bows about their Necks, and to extend at least six Inches from the angular Point or Corner, sufficient to keep them from breaking through Fence, it shall and may be lawful for him, her or them, all such Swine, Hogs, Shoats or Pigs, to kill and take, and drive and carry away, or to cause them to be killed, taken, driven or carried away; and being so taken and carried away, the said Takers shall forthwith acquaint a Justice of the Peace thereof, and being by him legally attested, that the said Swine were taken as aforesaid without Yokes, or Bows and Rings, the said Justice shall immediately appoint and order two indifferent Persons of the Neighbourhood, to view and make a just and reasonable Appraisement of all such Swine, Hogs, Shoats or Pigs, and to make Return of their Value, Number and Marks, unto the said Justice of the Peace, as soon as conveniently it may be done after such Appraisement, one Moiety or Half the Value whereof shall be forfeit to the Person or Persons, Owners or Possessors of such Lands where found and taken; and he or they, that shall take up such Swine as aforesaid, shall pay unto the said Justice of the Peace, for the Use of the Owner or Owners of such Swine, the other Moiety or Half Part thereof; and thereupon the Property of all such Swine shall be and remain in the said Owner or Possessor of Land as aforesaid, to his and their own proper Use for ever.

II. *AND be it further enacted by the Authority aforesaid*, That such Justice of Peace shall make Publication thereof, by a Paper affixed on his House, and on some Tree near the High-road Side, declaring the Number, Marks and Appraisement, of all such Swine, and by whom taken up, to the End that the Owners may have Notice thereof; unto whom the said Justice of Peace shall pay the other Moiety or Half the Value of such Swine taken and appraised, he first deducting out of the same *Two Shillings* for the Appraisers, and *Two Shillings* for the Justice's Clerk, for their Trouble therein. But if it so happen, that the Moiety or Half Part, as appraised, will not pay the said *Four Shillings*, then such Takers up shall pay what shall be wanting thereof.

III. PRO-

III. *PROVIDED* nevertheless, That if no Person appear within Twelve Months after Appraisement as aforesaid, to claim the Moiety or Half Part of such Swine, that then the said Justice shall pay what Money he hath received, the Charges as aforesaid first deducted, unto the Overseer or Overseers of the Poor of the Township where taken up, for the Use of the Poor of, the said Township, and the Owners of such Swine shall be thereupon debarred from any Claim or Right to the same, any Law, Usage or Custom, to the contrary in any wise notwithstanding.

IV. *AND* be it further enacted by the Authority aforesaid, That it shall not be lawful for any Swine, Hogs, Shoats or Pigs, to go at large in the Towns of *Philadelphia*, *Chester* or *Bristol*, whether yoked and ringed or not; but if any such shall be found running at large, after the First Day of the Twelfth Month next ensuing, such Swine, Hogs, Shoats or Pigs, shall be forfeit, one Half to him or them that shall take up the same, and the other Half to the Use of the Poor of the respective Towns, to be paid to the Overseer or Overseers accordingly, to the Use aforesaid; the said Town of *Bristol* being all the Space contained within Half a Mile square, from the Mill-creek, up the River *Delaware*.

Recorded A, Vol. I. p. 210.

C A P. XLV.

An ACT for collecting the Arrears of *Two Thousand Pounds*, granted to the Proprietary.

Recorded A, Vol. I. p. 211.—Expired.

C A P. XLVI.

An ACT directing the Qualifications of all Magistrates and Officers, as also the Manner of giving Evidence.

Recorded A, Vol. I. p. 213.—Repealed in Council, *October 24, 1709*.

C A P. XLVII.

An ACT for regulating Elections of Sheriffs and Coroners.

BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Appointment, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Freemen and Inhabitants of the City and County of *Philadelphia*, as also of the other Counties of this Province, at the Time and Place of Meeting for electing their Representatives to serve in Assembly, shall or may yearly choose a double Number of Persons, to present to the Governor for Sheriffs and Coroners, in Manner following; that is to say, The Coroner of every County of this Province, or in his Absence the Persons appointed by the Electors of the said Representatives, as Judges of their said Elections, without any other Warrant or Precept, as soon as the Election of the Members of the Assembly is ended, shall, by the Consent of the said Freemen and Electors, or the greatest Part of them, cause a double Number of Persons to be chosen for Sheriff, by Majority of Votes, who shall be returned by Indentures between the Coroners, or some other of the said Persons, so officiating as Judges of the said other Elections, and Six or more of the Electors: Which Persons, so elected for Sheriffs, shall present themselves to the Governor, within two Days next after such Elections; and if the Governor will not, on or before the third after such Presentment, commissionate one of them, so chosen and presented to him, the first Person named in the Return shall, by Virtue of this Act, stand and serve in the Office of Sheriff for one Year next after such Election, if he so long behave himself well, without any further or other Commission.

II. **B**UT in case the Persons elected for Sheriffs, shall refuse to accept of the Office, or if after any Sheriff doth accept, he shall be convicted for Misbehaviour in his Office, or shall depart this Life, before the End of the Term for which he is or shall be chosen, then another sufficient Person shall be commissioned by the Governor, from Time to Time, to supply the Place of such as shall so refuse, misbehave himself, or be deceased as aforesaid, who shall act and continue

No Swine
to go at
large in
Philadelphia
&c. on For-
feiture.

Freeholders
to elect a
double
Number of
Sheriffs and
Coroners;

how and
when.

The two
Sheriffs cho-
sen, shall
present
themselves to
the Gover-
nor, &c.

The Gover-
nor shall dis-
pose of the
Places of
Sheriffs re-
fusing, &c.

in

in the Office of Sheriff to the End of the said Term of one Year, from the Time he was commissioned, or until another be as aforesaid chosen in his Stead.

Election of
Coroners.

III. AND that the Sheriff of every County of this Province, or such other Person as shall be concerned to officiate as Judges of the said Election of Representatives, as soon as the Elections of the said Representatives and Sheriffs are ended, shall, in Manner aforesaid, cause a double Number of Persons to be chosen for Coroners, who shall be returned and presented to the Governor, within two Days after such Elections; and if the Governor will not commissionate one of them so presented, the first named in the Return shall, by Virtue of this Act, stand and serve in the Office of Coroner for one Year next after such Election, if he so long behave himself well, without any further or other Commission: But in case the Persons, so elected for Coroner, shall refuse to accept of the Office, or if the Coroner accepting shall be convicted of official Misbehaviour, or be deceased before the End of the Term for which he is or shall be chosen, then another sufficient Person shall be commissioned by the Governor, from Time to Time, to supply those Defects in Manner aforesaid.

If the Free-
holders ne-
glect to
choose, the
old Sheriff or
Coroner shall
act.

IV. BUT if the Freemen or Electors aforesaid shall at any Time neglect or decline to choose Persons for either or both the said Offices, then the Persons that are or shall be in the respective Offices of Sheriff and Coroner, at the Time of the said Elections, shall remain therein, until they shall be respectively removed by another Election, to be made in Manner aforesaid.

The Sheriff's
Security.

V. PROVIDED always, That before any Sheriff shall receive his Commission, or exercise any Part of his said Office, he shall, by himself or his Deputy, put in sufficient Sureties into the Office of the Master of the Rolls of this Province, and there shall enter into Bond or Obligation; *to wit*, The Sheriff of the City and County of *Philadelphia*, in the Sum of *Six Hundred Pounds*, current Money of *Pennsylvania*; the Sheriff of the County of *Bucks*, in the Sum of *Two Hundred Pounds*, Money aforesaid; and the Sheriff of the County of *Chester*, in the Sum of *Two Hundred Pounds*, of like Money; upon Condition, *That he will well and faithfully perform his Duty and Trust in the said Office of Sheriff, according to the Tenor of the Affirmation, which he shall make for the due Execution of his Office.* And that all the Bonds, so to be given for Security as aforesaid, shall be taken in the Queen's Name, and entered on Record in the Master of the Rolls-Office aforesaid, but are hereby declared to be only in Trust to and for the Use of the Person or Persons concerned; and that when any of the said Bonds shall be put in Suit, and Judgment thereon obtained, the Judgment shall remain in the same Nature the Bonds were; and that no Execution shall issue out thereupon, before the Person or Persons grieved shall, by *Scire Facias*, or other Process, summon the Person or Persons against whom the Judgment aforesaid is obtained, to appear and shew Cause, why Execution should not issue upon the said Judgment. And if the Plaintiff in the *Scire Facias* shall prove what Damage he hath sustained, and thereupon a Verdict be found for him, the Justices, in such Cases, shall award Execution for so much as the Jury shall then find, and no more; and the former Judgment is hereby declared still to remain cautionary, for the Satisfaction of such other Person or Persons, as shall legally prove themselves damnified, and recover their Damages as aforesaid by due Course of Law.

How the said
Bonds shall
be taken, &c.
and sued.

All Sheriffs
and Coroners
shall make
and subscribe
the Declara-
tions and
Professions,
&c.

VI. AND moreover, no Sheriff or Coroner whatsoever shall enter upon or exercise any Part of their said respective Offices, until they shall respectively make and subscribe the Declarations and Profession of their Christian Belief in the Act, entitled, *An Act to ascertain the Number of Members of Assembly, and to regulate the Elections*, mentioned, and required to be taken by Members of Assembly, and the solemn Affirmations and Declarations for the due Execution of their respective Offices, in Manner and Form as Sheriffs and Coroners, by a Law of this Province, entitled, *An Act directing the Attests of Officers*, are respectively required to take. All which Declarations, Tests and Affirmations, shall be made, subscribed and taken, before the Governor in Chief, or his Deputy for the Time being, or in open Quarter Sessions, or before any two Justices of the Peace out of Sessions, in the respective Counties where there may be Occasion to take the same. And the same Declarations, Tests and Affirmations, so made and taken out of Sessions, shall be, by the Justices, delivered into Court; and the Clerk of such Sessions is hereby required to record the same, as also those taken in Court, in Rolls or Books prepared for that Purpose.

VII. AND

VII. *AND be it further enacted by the Authority aforesaid*, That the Sheriff and Coroner of the County of *Philadelphia*, shall be Sheriff and Coroner of the said City; and the Sheriff of the City and County of *Philadelphia* for the Time being, shall be Water-Bailiff, and may execute and perform all Things belonging to the Office of Water-Bailiff upon *Delaware River*, and all other navigable Rivers and Creeks within this Province; and shall reside in the City of *Philadelphia*. Sheriff of the County of *Philadelphia*, shall be Sheriff of the City, &c.

VIII. *PROVIDED also, and it is hereby declared*, That no Elections shall be made for any Sheriff or Coroner, before the Time limited for those who are at present in those Offices respectively shall be expired.

Recorded A, Vol. I. p. 217.

C A P. XLVIII.

An A C T for the better proportioning the Rates of Money in Payments, made upon Contracts according to the former Regulation.

Recorded A, Vol. I. p. 219.—Repealed in Council, October 24, 1709.

C A P. XLIX.

An A C T for selling the old Court-House, and Building a new Court-House and Prison, in the County of *Bucks*.

Recorded A, Vol. I. p. 221.—Obsolete.

C A P. L.

An A C T for raising a Supply of *Two-pence Halfpenny per Pound*, and *Ten Shillings per Head*: Also for granting an Impost and laying an Excise on sundry Liquors, and *Negroes* imported into this Province, for the Support of Government, and defraying the necessary public Charges in the Administration thereof.

Recorded A, Vol. I. p. 222.—Expired.

C A P. LI.

An A C T to assure, grant and convey unto *Ralph Fishbourne*, of *Chester*, in the County of *Chester*, Gent. one Messuage, Cottage, House or Tenement, and Lot of Land thereunto belonging, situate in *Chester*, in the County of *Chester* aforesaid, formerly known by the Name of the Old Court-House, to hold to the said *Ralph Fishbourne*, his Heirs and Assigns, for ever.

Recorded A, Vol. I. p. 231.—Private Act.

R E P E A L S.

At the COURT at *Windsor*, the Twenty-fourth of October, 1709.

P R E S E N T,

The QUEEN's most Excellent MAJESTY,

Lord Treasurer,
Lord President,
Lord Steward,
Duke of *Somerſet*,
Duke of *Bolton*,

Lord Chamberlain,
Marquis of *Dorchester*,
Earl of *Sunderland*,
Mr. Secretary *Boyle*,
Mr. Chancellor of the Exchequer.

WHEREAS by Letters Patents, under the Great Seal of England, *WILLIAM PENN*, Esq; Proprietary of the Province of *Pennsylvania*, in *America*, is impowered, with the Advice of the Freemen of that Province, or their Deputies, in General Assembly, to enact Laws for the good Government of the said Province; which Laws are to be transmitted to her Majesty, for her Royal Approbation or Disallowance of them. And whereas, in Pursuance of the said Power, the following Acts, passed in the said Province of *Pennsylvania*, in One Thousand Seven Hundred and Five, have been transmitted for her Majesty's Approbation, entituled,

An Act against riotous Sports, Plays and Games.

An Act limiting the Presentments of the Grand Jury.

An Act for the further securing the Administration of the Government of this Province.

An Act for the acknowledging and recording of Deeds.

An Act directing the Qualifications of Magistrates and Officers, as also the Manner of giving Evidence.

An Act for the better proportioning the Rates of Money in Payments, made upon Contracts according the former Regulation.

WHICH said Laws having been perused and duly considered by the Lords Commissioners of Trade and Plantations, with their Opinion, that the said Acts be repealed; her Majesty taking the same into Consideration, is graciously pleased, with the Advice of her Privy Council, to declare her Disallowance and Disapprobation of the said Acts, and, pursuant to her Majesty's Royal Pleasure thereupon, the same are hereby repealed, annulled and made void and of none Effect, to all Intents and Purposes whatsoever.

JOHN POVER.

Recorded A, Vol. I. p. 233.

At a GENERAL ASSEMBLY, begun and holden
at *Philadelphia*, the Fourteenth Day of *October*,
Anno Dom. 1708, in the Seventh Year of Queen
ANNE.

C A P. I.

An ACT for ascertaining the Rates of Money for Payment of Debts, and preventing Exactions on Contracts and Bargains, made before the First Day of *May*, in this present Year One Thousand Seven Hundred and Nine.

Passed April 30, 1709.—Recorded A, Vol. I. p. 229.—Repealed in Council, February 20, 1713.

C A P. II.

An ACT for the better enabling of divers Inhabitants of the Province of *Pennsylvania*, to hold and enjoy Lands, Tenements and Plantations, in the same Province.

Passed September 28, 1709.—Recorded A, Vol. I. p. 267.—Private Act.

At a GENERAL ASSEMBLY, begun and
holden at *Philadelphia*, on the Fourteenth Day of
October, Anno Dom. 1710, and in the Ninth Year of
Queen ANNE, and continued by Adjournments to the
Twenty-eighth Day of *February* following.

C A P. I.

An ACT for establishing Courts of Judicature in this Province.

Recorded A, Vol. I. p. 235.—Repealed in Council, February 20, 1713.

C A P. II.

An ACT for regulating and establishing Fees.

Recorded A, Vol. I. p. 258.—Repealed in Council, February 20, 1713.

C A P.

C A P. III.

An ACT for the acknowledging and recording of Deeds.

Recorded A, Vol. II. p. 5.—Repealed in Council, *February 20, 1713.*

C A P. IV.

An ACT directing an Affirmation to such who, for Conscience-sake, cannot take an Oath.

Recorded A, Vol. II. p. 10.—Repealed in Council, *February 20, 1713.*

C A P. V.

An ACT that no Public-House or Inn, within this Province, be kept without Licence.

FOR preventing of Disorders, and the Mischiefs that may happen, by Multiplicity of Public-houses of Entertainment, BE IT ENACTED by CHARLES GOOKIN, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Person or Persons whatsoever, within this Province, shall hereafter have or keep any public Inn, Tavern, Ale-house, Tippling-house or Dram-shop, Victualling-house or Public-house of Entertainment, in any County of this Province, or in the City of *Philadelphia*, unless such Person or Persons shall first be recommended by the Justices in the respective County Courts, and the said City, in their Quarter Sessions or Court of Record for the said Counties and City respectively, to the Lieutenant-Governor for the Time being, for his Licence for so doing, under the Penalty of *Five Pounds*. And that no Person, so licensed as aforesaid, shall knowingly suffer any Disorder, as Drunkenness, or unlawful Games whatsoever, in such his, her or their Houses, under the Penalty of *Forty Shillings* for the first Offence; and for the second Offence, to be suppressed by the said Justices of the said respective Courts; and that no such Inn-keeper, Taverner, or other Person as aforesaid, shall presume to continue such Public-house of Entertainment of his own Accord, after such Suppression, or the Expiration of his Licence, without new Licence as aforesaid, under the Penalty of *Five Pounds*, one Half thereof to the Governor for the Time being, towards the Support of this Government, and the other Half to the Use of the Poor of the respective Township or City where the Offence shall be committed.

No Person to keep a Public-house, &c. without Recommendation from the Justices for Licence.

Drunkenness and Gaming not to be suffered in Public-houses.

II. *PROVIDED* always, That nothing herein contained shall extend, to debar or hinder the Magistrates of the City of *Philadelphia* to claim, have and enjoy, all such Fines, Penalties and Forfeitures, as shall be due or forfeited in the Quarter Sessions or Court of Record, to be held for the said City, which are granted them by Charter.

III. *AND* be it further enacted by the Authority aforesaid, That all such Inn-keepers as aforesaid shall keep good Entertainment for Man and Horse, under the Penalty of forfeiting *Forty Shillings*, for the Use aforesaid.

Inn-keepers to keep good Entertainment, &c.

IV. *AND* be it further enacted by the Authority aforesaid, That the Governor shall have and receive, for every Licence to be granted by him pursuant to this Act, to any Person, to sell Wine and other Liquors in the City of *Philadelphia*, *Three Pounds*; and to sell all other Liquors in the said City, except Wine, the Sum of *Forty Shillings*. And for every Licence to any Person, to sell Wine and other Liquors in the Towns of *New-Bristol, Frankford, Germantown, Darby, Chester* and *Chichester*, the Sum of *Forty Shillings*. And for every Licence to sell Wine and other Liquors in any other Part of this Province, the Sum of *Thirty Shillings*, and no more. And the Secretary shall have, for drawing such Licence, with the Seal, *Six Shillings*, and no more.

The Governor's Fee.

Recorded A, Vol. II. p. 11.

C A P. VI.

An ACT of Privileges to a Freeman, &c.

Recorded A, Vol. II. p. 12.—Repealed in Council, *February 20, 1713.*

C A P. VII.

An ACT against riotous Sports, Plays and Games.
Recorded A, Vol. II. p. 12.—Repealed in Council, *February 20, 1713.*

C A P. VIII.

An ACT to prevent Disputes which may hereafter arise about the Dates of Conveyances, and other Instruments and Writings.
Recorded A, Vol. II. p. 14.—Repealed by 25 Geo. II.

C A P. IX.

An ACT for Priority of Payment of Debts to the Inhabitants of this Province.
Recorded A, Vol. II. p. 15.—Repealed in Council, *February 20, 1713.*

C A P. X.

An ACT for the better improving a good Correspondence with the *Indians*.
Recorded A, Vol. II. p. 16.—Expired.

C A P. XI.

An ACT for regulating Party-Walls and Buildings in *Philadelphia*.
Recorded A, Vol. II. p. 17.—Repealed in Council, *February 20, 1713.*

C A P. XII.

An ACT empowering Commissioners to compel the collecting of all Arrearages of former Taxes.
Recorded A, Vol. II. p. 18.—Expired.

C A P. XIII.

An ACT for raising a Supply of *Two-pence per Pound*, and *Eight Shillings per Head*.
Recorded A, Vol. II. p. 20.—Expired.

C A P. XIV.

An Imposit ACT, laying a Duty on *Negroes*, Wine, Rum and other Spirits, Cyder and Vessels.
Recorded A, Vol. II. p. 25.—Repealed in Council, *February 20, 1713.*



At a GENERAL ASSEMBLY, holden at
Philadelphia, in *August*, 1711, and in the Tenth
Year of Queen ANNE.

C A P. I.

An ACT for raising *Two Thousand Pounds* for the Queen's Use, by a Tax of *Five-pence Halfpenny per Pound*, and *Twenty Shillings per Head*.
Passed, *August 10, 1711.*—Recorded A, Vol. II. p. 55.—Obsolete.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fifteenth Day of *October*, Anno Dom. 1711, and in the Tenth Year of Queen ANNE, and continued by Adjournments to the Seventh Day of *June* following.

C A P. I.

An ACT confirming Patents and Grants.

Recorded A, Vol. II. p. 30.—Repealed in Council, *February* 20, 1713.

C A P. II.

An ACT for the better ascertaining the public Debts, and collecting the Arrears of County Levies.

Recorded A, Vol. II. p. 37.—Repealed by 11 GEO. I.

C A P. III.

An ACT for raising Money on the Inhabitants of the City of *Philadelphia*, for the public Use and Benefit thereof.

WHEREAS there is great Occasion of a public Stock to pay the just Preamble. Debts, and defray the necessary Charges of the said City, for building a Work-house of Correction, building and repairing free Wharffs and Bridges, pitching, paving and regulating the Highways, Streets and Water-courses, making and erecting new and convenient Stalls and Shambles, to accommodate Butchers and all others that bring Goods to sell in the said City: And forasmuch as the incorporating the said City hath so far limited the Magistracy of the County of *Philadelphia*, that the Laws for raising of County Levies cannot, without the Help of this Act, be so aptly and effectually put in Execution within the said City as before, and the Rule and Government of the said City requiring a Charge, which may not so immediately concern the rest of the County; BE IT THEREFORE ENACTED by CHARLES GOOKIN, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That from henceforth the Inhabitants and Freeholders of the said City of *Philadelphia*, who are qualified by the Laws of this Province to elect, or be elected Members of Assembly, at the Time and Place by Law appointed, or to be appointed for electing their Representatives to serve in Assembly, or the Day following, unless it happen on a First Day, and then on the Day next ensuing, shall or may choose Six of the said Inhabitants and Freeholders to be the Assessors of the said City; and when so chosen, the Sheriff of the said City shall take their Names in Writing, under the Hands and Seals of at least Six more of the said Inhabitants and Freeholders, and return or certify the same to the Mayor, Recorder and Aldermen of the said City for the Time being, at their General Sessions of the Peace, next after such Election.

The Freeholders of *Philadelphia* to choose Six Assessors, &c.

II. AND be it further enacted by the Authority aforesaid, That the Mayor, Recorder and Aldermen of the said City, at their General Sessions of the Peace, to be held in the Month called *April*, yearly, or oftner, if Occasion be, with the Assistance of the said Assessors, for the Time being, or any Four of them, shall calculate the public Debts and Charges of the said City, allowing all just Dues and Demands wherewith the Persons and Estates within the said City, are or may be chargeable from Time to Time; as also shall calculate what Sum or Sums of

The Mayor, &c. with the Assessors, shall calculate the public Debts, &c.

Money, may be needful and necessary to be raised upon the Persons and Estates aforesaid, from Time to Time, for the building, repairing, regulating or amending of any Houses, Bridges, Wharffs, Water-courses, or other Uses, for the public Service and Benefit of the said City; and shall also agree and settle, from Time to Time, as Occasion may require, what Sum or Sums of Money, or other Effects, shall be applied to the Service of every particular Matter or Thing which they, or the major Part of the said Magistrates, with any Four of the said Assessors, shall agree on to be necessary to be raised for the Year ensuing: Which said respective Sums, with the particular Uses whereunto they shall be agreed on to be appropriated as aforesaid, shall be entered in a Book to be kept for that Purpose by the Clerk of the Peace of the said City, who is hereby obliged to make such Entry, from Time to Time, for which he shall be allowed what the said Magistrates and Assessors shall think reasonable; and that the said Assessors shall, within Six Weeks after every such Calculation, make or lay a Rate or Assessment, upon themselves and all other Persons and Estates aforesaid, to and for the aforesaid Uses, by a Poll and Pound Rate, according to the Manner and Method now used in making Assessments in this Province for raising of County Levies.

III. *AND be it further enacted by the Authority aforesaid*, That the Constables of the said City shall bring in Returns in Writing to the said Assessors, within Five Days after Notice given them, of the Names and Estates of all Persons within their Wards; for which they shall be allowed *Two-pence per Pound*, upon every Sum assessed in their said respective Wards: Which Assessment being equally and impartially laid, and signed by at least Four of the said Assessors, shall be allowed and confirmed by the said Mayor, Recorder, and any Two of the Aldermen for the Time being, under their Hands and Seals, and shall be paid by every Person and Estate so assessed, upon Demand made thereof by the Collectors, who shall, by the said Assessors, or in case they neglect, then by the said Mayor, Recorder and Aldermen, be appointed to gather the same; and in case of Refusal or Neglect shall, by Warrant, under the Hands and Seals of any Three or more of the said City Magistrates, be levied by Distress and Sale of the Goods of every Person so assessed, and not paying the same within Fourteen Days after Demand; rendering the Overplus of the Value of the Goods so distrained to the Owner and Owners thereof, deducting the Charge of such Distress: But for Want of Distress, the said Assessments to be levied by Imprisonment of the Person, so refusing or neglecting to pay as aforesaid.

IV. *PROVIDED always*, That no such Assessment or Assessments to be made in any one Year, shall exceed the Value of *Two-pence* in the *Pound*, of the clear Value of the Lands, Tenements, Hereditaments and personal Estate so assessed; and *Four Shillings per Head*, in Proportion to *One Penny per Pound* Tax, on all single Men, Inhabitants of the said City, not otherwise rated by this Act.

V. *PROVIDED also*, That those who are not rateable or liable to be taxed for Relief of the Poor within the said City, shall not be rated or assessed by this Act.

VI. *AND be it further enacted by the Authority aforesaid*, That the said Assessors shall appoint a Treasurer in the said City; who shall keep a distinct Book, containing a particular Account of all the Rates and Assessments made as aforesaid; as also all Disbursements and Payments, which he shall make by Order of the Mayor, Recorder, and any Four of the said City Magistrates, whose Order to the said Treasurer, from Time to Time, shall be sufficient for the Payment of such Monies as shall come into his Hands from the said Collectors.

VII. *AND be it further enacted*, That the said Treasurer shall, on the Twenty-fifth Day of the Month called *March*, yearly, or oftener, if Occasion be, bring in his Accounts, and settle and make them up before the said Magistrates and Assessors, or such as they shall appoint: At the auditing of which Accounts, all or any of the said Inhabitants and Freeholders that are willing may be present. And the said Treasurer shall have for his Trouble therein as much as the said Magistrates and Assessors shall agree to allow him. And the said Assessors shall be allowed *Three-pence per Pound*, for all the Sums levied and to be collected by Virtue of this Act.

VIII. *AND be it further enacted*, That the Money and Effects gathered and received by the said Collectors, within their respective Limits, by Virtue of this Act,

The Assessors
to lay a Rate,
&c.

Returns to
be made by
the Constables.

Their Allow-
ance.

The Assess-
ment to be
allowed by
the Mayor,
&c.

Assessments
not to exceed
Two-pence in
the *Pound*.

The Assessors
to appoint a
Treasurer;
and his Duty.

Who shall
yearly settle
his Accounts
with the Ma-
gistrates, &c.

Collectors to
pay to the
Treasurer.

Act,

Act, shall from Time to Time be duly paid to the said Treasurer or Treasurers, whose Receipts shall be the Collectors sufficient Discharges.

IX. *PROVIDED always*, That the said Collectors shall forthwith, after every such Assessment made as aforesaid, give Notice to the said Freeholders and Inhabitants of the said City, or, in their Absence, to some or one of their Families or Neighbours, of the respective Sums they are rated, and acquaint them with the Day and Place of Appeal, in case they shall be aggrieved with such Assessment: Which said Day of Appeal shall be at some convenient Place in the said City, to be appointed by the Assessors that laid the said Tax, the same Day four Weeks after the said Assessment is laid. And the said Assessors shall have due Regard to all such Appeals, and thereupon to abate or increase the said Assessment, according as the Appellants shall appear to be worth, either upon their own Attest, or Proof of others.

And give Notice of the Day of Appeal, &c.

X. *AND be it further enacted*, That from and immediately after the said Appeals have been heard and considered as aforesaid, it shall and may be lawful to and for the said Collectors to proceed in collecting and levying the said Rates and Assessments; for the collecting whereof they shall retain and keep in their Hands *Six-pence* in the *Pound*, of all such Money as they shall so collect, and no more. And if the said Collectors, or any of them, shall refuse or neglect to collect the said Assessments respectively, or any Part thereof, and to pay the same in to the Treasurer, within Three Months after the said Appeals have been heard and considered as aforesaid, every such Collector so refusing or neglecting, shall forfeit and pay to the said Treasurer, for the Use of the said City, the Sum of *Five Pounds*, and shall also pay all the Arrearages of such Assessments which he was appointed to collect: Which shall be levied by a Warrant, under the Hand of the Mayor for the Time being, and Seal of the said City, directed to the Sheriff, who is hereby empowered and obliged to execute such Warrant upon the Goods and Chattels of the Party so offending. And in case Goods and Chattels, sufficient to make Satisfaction, cannot be found, then to imprison such Offender till Payment made. And every Collector being so distrained on, and having made full Satisfaction as aforesaid, is hereby empowered, without any other Warrant, to distrain, for his own Use, upon all such as shall refuse or neglect to pay the said Arrearages.

Their Allowance.

Penalty on Refusal or Neglect.

XI. *AND be it further enacted*, That if at any Time the Inhabitants and Freeholders of the said City shall neglect to choose Assessors as aforesaid, or if when chosen they do not attend their Service as above directed, then the Mayor, Recorder and Aldermen of the said City, for the Time being, together with the Grand Inquest of the said City, may and shall perform the respective Offices and Duties of the said Assessors, as fully and amply as they might or could do by Virtue of this Act.

On Neglect of choosing Assessors, the Mayor, &c. shall act.

XII. *PROVIDED always*, That nothing herein contained shall exempt the Inhabitants of the said City from being rated or assessed, in Proportion with the Inhabitants of the County of *Philadelphia*, to pay what is or shall be due for making and repairing of Bridges, in the Queen's High-road, over any Rivers or Water where the Tide flows, within the said County, or from paying their Proportion of Assemblymens Wages due, or to be due from the Inhabitants of the said County from Time to Time, over and besides their paying the two Members of Assembly chosen to represent the said City; or from paying for the Moiety of the Arrearages now due for Wolves Heads, wherewith the said County shall be justly chargeable; but that all Persons and Estates as aforesaid, within the said City, shall be liable to pay the respective Rates hereafter to be assessed on them from Time to Time, for the Purposes aforesaid; any Thing herein contained to the contrary notwithstanding.

The Inhabitants of *Philadelphia* to be rated in Proportion with the County Taxes.

Passed June 7, 1712.—Recorded A, Vol. II. p. 39.

C A P. IV.

An ACT for the better Government of the City of *Philadelphia*.

Passed June 7, 1712.—Recorded A, Vol. II. p. 42.—Repealed in Council.

CAP.

C A P. V.

An A C T concerning the Register-General's Office.

Preamble.

WHEREAS by a Law of this Province, made in the Year One Thousand Seven Hundred and Five, entituled, *An Act concerning the Probates of written and nuncupative Wills, and for confirming Devises of Lands*, it is, amongst other Things, enacted, that there should be an Officer, called Register-General, to be commissioned by the Governor from Time to Time, for the Probate of Wills, and granting Letters of Administration in this Province; which Register-General should keep his Office at *Philadelphia*; and should from Time to Time constitute a sufficient Deputy to officiate for him in each of the other Counties of this Province: But inasmuch as no Register has been commissioned and Deputies constituted in each County, as the said Act directs, BE IT THEREFORE ENACTED by CHARLES GOOKIN, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the said Proprietary and Governor in Chief, or his Lieutenant-Governor for the Time being, shall, on or before the First Day of the Month called *August* next, commissionate a Register-General, for the Probate of Wills, and granting Letters of Administration in this Province. But in case of the Removal of such Register-General, by Death or otherwise, then another fit Person shall, within three Weeks after such Removal, be commissioned as aforesaid, in the Room of the Register-General so removed, who shall keep his Office at *Philadelphia*, as the said Act directs, and shall, from Time to Time, constitute a sufficient Deputy to officiate for him in each of the said other Counties; who, being by him deputed, shall be and are hereby impowered to take Probate of Wills, and grant Letters of Administration in the respective Counties, and to have a common Seal, according to the Tenor and Direction of the said Act.

The Governor to commissionate a Register-General.

Who shall keep his Office in *Philadelphia*, and appoint a Deputy in each County.

II. *PROVIDED* always, That if the said Proprietary, or his Lieutenant-Governor, shall refuse or neglect to commissionate a Register-General from Time to Time, as this Act directs, then the Commissioners, Agents, or Stewards of the said Proprietary, his Heirs or Assigns, who are or shall be impowered to act for him or them, in Matters relating to the Seigniorship or Propriety of this Province, shall commissionate a Register-General, within three Weeks after the Time hereby appointed for the Governor to do the same: But if the said Commissioners, Agents or Stewards, shall refuse or neglect to do their Duty therein, according to the Direction of this Act, then the Justices of the Court of Common Pleas for the said County of *Philadelphia*, for the Time being, or the major Part of them, shall, as often as there may be Occasion, commissionate the said Officer, called Register-General, at *Philadelphia*; who shall be, and is hereby impowered and required to officiate as fully and effectually as any Register-General ever could or can do, according to the Powers granted by the Royal Charter, or by Virtue of the said Act.

The Register-General shall give Security, &c.

III. *AND* be it further enacted by the Authority aforesaid, That before any Register-General, or his Deputy, shall enter upon their respective Offices, he shall find one or more sufficient Sureties, together with himself, to become bound to the said Proprietary, his Heirs and Assigns, Proprietaries of this Province, in a Bond, of the Penalty of *Five Hundred Pounds*, for the true and faithful Execution and Discharge of his Office, and for the Delivery of the Records and other Writings belonging to the same, by him, his Heirs, Executors or Administrators, to his Successor in the said Office, whole and undefaced: Which said Bond shall be entered on Record in the Office of the Prothonotaries or Clerks of the said Court of Common Pleas, in the said respective Counties, to be safely kept by them, and to be made Use of as the said Act directs.

And the Bond to be recorded.

The Register, with two or more Justices, their Power.

IV. *AND* be it further enacted, That where Objections are made, or Caveats entered, against the proving of any Will, or granting Letters of Administration; and where there is or shall be Occasion to take the final Accounts of Executors or Administrators, or make Distribution of Decedant's Estates, the Register

Register-General, and his Deputies respectively shall, in every such Case, call to their Assistance two or more of the Justices of the said Courts of Common Pleas, for the County where they are concerned, who are hereby impowered and required to give their Assistance accordingly, to decide the said Caveats and Matters in Controversy, settle the said Accounts, make Distributions, and do all such other judicial Acts, as do or shall belong, or ought of Right to be done by any Person or Persons, having Power by Law to take Probate of Wills, and grant Administration.

V. AND when the Register-General, or his Deputies for the Time being, are, by the Duty of their Office, required to administer Oaths in any Case, and shall happen to be such who for Conscience Sake cannot administer Oaths, they shall apply to some of the said Justices in the proper County, who are hereby impowered and required to administer the same; which shall be as effectual in Law as if it had been administered by the Register-General or his Deputies respectively.

Where the Register cannot administer Oaths, he may apply to any Justice, &c.

VI. *PROVIDED* always, That nothing in this Act contained shall extend, or be construed to extend to annihilate or make void the above recited Act, or any Part thereof, save only what is hereby expressly altered and supplied, but that the same Act, in every other Respect, shall remain and be in full Force and Virtue as the same ought to have been in, if this Act had not been made; any Thing herein before contained to the contrary in any wise notwithstanding.

Passed June 7, 1712.—Recorded A, Vol. II. p. 43.

C A P. VI.

An ACT impowering religious Societies to buy, hold and enjoy Lands, Tenements and Hereditaments.

Passed June 7, 1712.—Recorded A, Vol. II. p. 45.—Repealed in Council.

C A P. VII.

A Supplementary ACT to a Law about the Manner of giving Evidence.

Passed June 7, 1712.—Recorded A, Vol. II. p. 46.—Repealed in Council.

C A P. VIII.

An ACT for establishing the Lower-Ferry on the River *Schuylkill*.

Passed June 7, 1712.—Recorded A, Vol. II. p. 47.—Expired.

C A P. IX.

An ACT for establishing and regulating of Ferries over *Delaware* River, and *Neshaminy* Creek.

Passed June 7, 1712.—Recorded A, Vol. II. p. 48.—Expired.

C A P. X.

An ACT to prevent the Importation of *Negroes* and *Indians* into this Province.

Passed June 7, 1712.—Recorded A, Vol. II. p. 50.—Repealed in Council.

C A P. XI.

An ACT for the further securing the Administration of the Government.

WHEREAS it is of the greatest Importance to the Well-being of any Country, to be provided of a regular and plenary Administration of Government in all Emergencies; and considering the Uncertainty of human Life renders all Governments liable to Changes, that may carry great Inconveniencies with them, unless due Provision be made against the same, BE IT ENACTED by CHARLES GOOKIN, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That in case it shall please Almighty GOD, at any Time, in the Absence of the Governor in Chief of this Province, to remove his Lieutenant by Death, or otherwise, before such sufficient Provision be made by the Governor in Chief for the full Administration of Government, the Governor's Council, that are in Place at the Time of such Lieutenant's Death, or Departure

Upon the
Death of the
Lieutenant-
Governor,
the eldest
Counsellor,
&c. shall
have the full
Power of a
Governor,
Legislation
excepted.

out of this Government, or so many of them as conveniently can, shall forthwith meet at *Philadelphia*; and the first named or eldest Counsellor, or in case of his Absence or Refusal, such other Member of Council as a Majority then present shall choose and appoint, with any Four more of the said Counsellors, shall be a Quorum; and shall have the full Power and Authority of a Governor of this Province, as effectually as any Deputy or Lieutenant, commissioned by the Governor in Chief, may or ought to have; and shall accordingly act and exercise all the Powers of Government, as fully and amply as any Deputy or Lieutenant-Governor of this Province may, can or ought to do, Legislation excepted, until the said Lieutenant-Governor's Return again, or until another Person or Persons shall be duly commissioned and impowered by the said Governor in Chief, or his Heirs, to act in their Stead.

The Presi-
dent, or el-
dest Coun-
sellor, shall
cause due
Notice there-
of to be
transmitted
Home.

If the Gover-
nor in Chief
shall not
nominate,
&c. the
Power to con-
tinue to his
Lieutenant,
until, &c.

Upon the
Death of the
Governor in
Chief, his
Lieutenant
to act until,
&c.

II. *AND be it further enacted by the Authority aforesaid*, That the President, or first named Member of Council, that shall succeed at the Time of such Death or Absence as aforesaid, shall, at their first Meeting, order that due Notice thereof be transmitted by the first Opportunity to one of the Secretaries of State in *Great-Britain*, and to the Board of Trade and Plantations; and also to the Governor in Chief of this Province.

III. *PROVIDED always*, That in case the Governor in Chief shall not, within Six Months after such Death or Absence of the Lieutenant-Governor, nominate another Person to be his Lieutenant-Governor, and obtain his Approbation from the Queen, or her Successors, then the Power of Lieutenancy, intended by this Act to be lodged in the Council, shall remain and continue until the Governor in Chief make further Provision as aforesaid, or until the Queen's Pleasure be known therein, and no longer.

IV. *PROVIDED also*, That in case the said Governor in Chief shall happen to be removed by Death, or otherwise, then it shall and may be lawful for his Deputy or Lieutenant, for the Time being, to exercise all the Powers of Government as fully and amply as before, till further Order from her Majesty, her Heirs or Successors, or the Heirs of the said Proprietary and Governor in Chief, which shall first happen.

Passed June 7, 1712.—Recorded A, Vol. II. p. 52.

C A P. XII.

A Supplementary ACT to an Act, intituled, *An Impost Act, laying a Duty on Negroes, Rum, Wine, Spirits, Cyder and Vessels, and appropriating certain Sums of Money arising by the same, and other public Stock of this Province.*

Passed June 7, 1712.—Recorded A, Vol. II. p. 53.—Expired.

CONFIRMATIONS and REPEALS.

At the COURT at *St. James's*, the Twentieth of *February*, 1713.

P R E S E N T,

The QUEEN's most Excellent MAJESTY, in COUNCIL.

UPON reading, this Day at the Board, a Representation from the Lords Commissioners for Trade and Plantations, setting forth, That having received from WILLIAM PENN, Esq; Proprietary of her Majesty's Province of *Pennsylvania*, a Collection of Laws, under the Seal of that Province, passed there in the Years 1708, 1709 1710, 1711, and 1712; and having considered the same, and received the Opinion of her Majesty's Solicitor-General thereupon, in Point of Law, who has made Objections against the confirming several of them here under named, as unfit for her Majesty's Royal Approbation, wherein also the said Lords Commissioners do also concur with him, and humbly offer that her Majesty will be pleased to signify her Disallowance of the same, viz.

An Act for ascertaining the Rates of Money for Payment of Debts, and preventing Exactions in Contracts and Bargains, made before the First of May, 1709, and passed in Pennsylvania, October 14, 1708.

An Act for establishing Courts of Judicature, passed in February, 1710.

An Act for regulating and establishing Fees.

An Act for acknowledging and recording of Deeds.

An Act directing an Affirmation to such who cannot for Conscience Sake take an Oath.

An Act of Privileges to a Freeman.

An Act against riotous Sports, Plays and Games.

An Act for Priority of Payment of Debts to the Inhabitants of this Province.

An Act for regulating Party-Walls and Buildings in Philadelphia.

An Act for laying a Duty on Negroes, Wine, Rum and other Spirits, Cyder and Vessels.

An Act confirming Patents and Grants, 1711.

An Act for better Government of the City of Philadelphia.

An Act for empowering religious Societies to buy, hold and enjoy Lands, Tenements and Hereditaments.

A Supplementary Act to a Law about the Manner of giving Evidence.

An Act to prevent the Importation of Negroes, and Indians into this Province.

A Supplementary Act to an Act, intituled, An Imposit Act, laying a Duty on Negroes, Rum, Wine, Spirits, Cyder and Vessels, and appropriating certain Sums of Money arising by the same, and other public Stock of this Province.

H E R Majesty, taking the same into Consideration, is pleased, with the Advice of her Privy Council, pursuant to the Powers reserved to her Majesty, by the Letters Patent under the Great Seal of *England*, to the said WILLIAM PENN, to declare her Disallowance and Disapprobation of the said several Laws; and according to her Majesty's Pleasure thereupon, the same are hereby repealed, declared void, and of none Effect. And it is further ordered by her Majesty, that the Deputy Governor, Council and Assembly of *Pennsylvania*, be, and they are hereby strictly enjoined and required not to permit the said Laws, or any Part of them, to be from henceforward put in Execution; but that they forthwith declare the same to be null and void, to all Intents and Purposes, as they will answer the contrary.

J O H N P O V E R.

At the COURT at *St. James's*, the Twentieth of February, 1713.

P R E S E N T,

The QUEEN's most Excellent MAJESTY,

Lord Chancellor,
Lord Treasurer,
Lord President,
Lord Privy Seal,
Duke of Beaufort,
Duke of Argyle,
Duke of Athol,
Lord Steward,
Earl of Northampton,
Earl of Clarendon,
Earl of Anglesea,
Earl of Rochester,
Earl of Abington,
Earl of Marr,

Earl of Orkney,
Earl of Islay,
Earl Ferrers,
Earl of Portmore,
Lord Viscount Bolingbroke,
Lord North and Gray,
Lord Berkeley,
Mr. Comptroller,
Mr. Secretary Bromley,
Lord Chief Justice Parker,
Lord Chief Justice Trevor,
Mr. Chancellor of the Exchequer,
Sir Charles Hedges.

U P O N reading, this Day at the Board, a Representation from the Commissioners of Trade and Plantations, setting forth, That having received from WILLIAM PENN, Esq; Proprietary of her Majesty's Province of *Pennsylvania*, a Collection of Laws, under the Seal of that Province, passed there in 1708, 1709, 1710, 1711, and 1712, and, amongst others, the several here under written, which they having perused and considered, have no Objection against them;

to that in case her Majesty doth not see Cause, within Six Months, to repeal any of them, they will remain in full Force, pursuant to the Charter of Property granted to the said WILLIAM PENN, viz.

An Act for the better enabling of divers Inhabitants of the Province of *Pennsylvania*, to hold and enjoy Lands, Tenements, and Plantations, in the same Province. Passed the 29th of *September*, 1709.

An Act that no Public-house or Inn, within this Province, be kept without Licence. Passed 1710.

An Act to prevent Disputes which may hereafter arise about the Dates of Conveyances, and other Instruments and Writings.

An Act for the better improving a good Correspondence with the *Indians*. Expired the 28th of *February*, 1713.

An Act empowering Commissioners to compel the collecting of all Arrearages of former Taxes. Expired.

An Act for raising a Supply of *Two-pence per Pound*, and *Eight Shillings per Head*. Expired.

An Act for raising *Two Thousand Pounds* for the Queen's Use, by a Tax of *Five-pence Halfpenny per Pound*, and *Twenty Shillings per Head*. Passed *August* 10, 1711.

A C T S passed 1712.

An Act for better ascertaining the Public Debts, and collecting the Arrears of County Levies.

An Act for raising Money on the Inhabitants of the City of *Philadelphia*, for the public Use and Benefit thereof.

An Act concerning the Register-General's Office.

An Act for establishing the Lower-Ferry on the River *Schuylkill*.

An Act for establishing and regulating of Ferries over *Delaware* River, and *Neshaminy* Creek.

An Act for the further Security of the Administration of the Government.

H E R Majesty, taking the same into Consideration, is pleased, with the Advice of her Privy Council, pursuant to the Powers reserved to her Majesty, by the Letters Patents under the Great Seal of *England*, to the said WILLIAM PENN, to declare her Approbation of the same; and, according to her Majesty's Royal Pleasure thereupon expressed, the said Laws are hereby confirmed, finally enacted and ratified; whereof the Deputy Governor, Council and Assembly of the said Province, are to take Notice, and to cause them to be effectually observed, and put in Execution accordingly.

EDWARD SOUTHWELL.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, on the Fourteenth Day of *October*, Anno Dom. 1712, in the Eleventh Year of Queen ANNE, and continued by Adjournments to the Twenty-seventh Day of *March* following.

C A P. I.

An ACT for reviving, explaining and continuing several Laws in this Act mentioned.

Passed *March* 27, 1713.—Recorded A, Vol. II. p. 64.—Expired.

CAP.

C A P. II.

An ACT for Limitation of Actions.

BE IT ENACTED by CHARLES GOOKIN Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; true and absolute Proprietary and Governor in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Actions of Trespafs *Quare clausum fregit*, all Actions of Detinue, Trover and Replevin, for taking away Goods and Cattle, all Actions upon Account and upon the Case (other than such Accounts as concern the Trade of Merchandize between Merchant and Merchant, their Factors or Servants) all Actions of Debt, grounded upon any Lending, or Contract without Specialty, all Actions of Debt, for Arrearages of Rent, except the Proprietaries Quitrents, and all Actions of Trespafs, of Assault, Menace, Battery, Wounding and Imprisonment, or any of them, which shall be sued or brought at any Time after the Five-and-twentieth Day of *April*, which shall be in the Year of our Lord One Thousand Seven Hundred and Thirteen, shall be commenced and sued within the Time and Limitation hereafter expressed, and not after; *That is to say*, the said Actions upon the Case, other than for Slander, and the said Actions for Account, and the said Actions for Trespafs, Debt, Detinue and Replevin, for Goods or Cattle, and the said Actions of Trespafs *Quare clausum fregit*, within Three Years after the said Five-and-twentieth Day of *April* next, or within Six Years next after the Cause of such Actions or Suit, and not after.

What Actions to be sued within Six Years after the Cause thereof.

II. **AND** the said Actions of Trespafs, of Assault, Menace, Battery, Wounding, Imprisonment, or any of them, within One Year next after the said Five-and-twentieth Day of *April* next, or within Two Years next after the Cause of such Actions or Suit, and not after; and the said Actions upon the Case for Words, within One Year next after the Words spoken, and not after.

And what within one and two Years.

III. **AND** be it further enacted, That if, in any of the said Actions or Suits, Judgment be given for the Plaintiff, and the same be reversed by Error, or a Verdict pass for the Plaintiff, and upon Matter alledged in Arrest of Judgment, the Judgment be given against the Plaintiff, that he take nothing by his Plaint, Writ or Bill, then, and in every such Case, the Party Plaintiff, his Heirs, Executors or Administrators, as the Case may require, may commence a new Action or Suit, from Time to Time, within a Year after such Judgment reversed or given against the Plaintiff as aforesaid, and not after.

If Judgment be given for the Plaintiff, and reversed, he may commence a new Action within one Year.

IV. **AND** be it further enacted, That in all Actions of Trespafs *Quare clausum fregit*, hereafter to be brought, wherein the Defendant or Defendants shall disclaim, in his or their Plea, to make any Title or Claim to the Land in which the Trespafs is by the Declaration supposed to be done, and the Trespafs be by Negligence or involuntary, the Defendant or Defendants shall be admitted to plead a Disclaimer, and that the Trespafs was by Negligence or involuntary, and a Tender or Offer of sufficient Amends for such Trespafs, before the Action brought, whereupon or upon some of them, the Plaintiff or Plaintiffs shall be inforced to join Issue; and if the said Issue be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be nonsuited, the Plaintiff or Plaintiffs shall be clearly barred from the said Action or Actions, and all other Suit concerning the same.

Where a Disclaimer shall be allowed.

V. **AND** be it further enacted, That in all Actions upon the Case, for scandalous Words, to be sued or prosecuted by any Person or Persons, in any Court within this Province, after the said Twenty-fifth of *April* next, if the Jury upon Trial of the Issue in such Action, or the Jury that shall enquire of the Damages, do find or assess the Damages under *Forty Shillings*, then the Plaintiff or Plaintiffs in such Action, shall have and recover only so much Costs as the Damages so given or assessed do amount unto, without any further Increase of the same; any Law or Usage to the contrary notwithstanding.

In Actions of Slander, where the Damages are found under *Forty Shillings*, the Costs shall be the same.

VI. **PROVIDED** nevertheless, That if any Person or Persons, who is or shall be intitled to any such Action of Trespafs, Detinue, Trover, Replevin, Actions of Account, Debt, Actions for Trespafs, for Assault, Menace, Battery, Wounding

Provision for Persons under Age, &c. having Cause of Action.

Wounding or Imprisonment, Actions upon the Case for Words, be, or at the Time of any Cause of such Action, given or accrued, fallen or come, shall be, within the Age of Twenty-one Years, Feme Covert, *Non compos mentis*, imprisoned, or beyond Sea, that then such Person or Persons shall be at Liberty to bring the same Actions, so as they take the same within such Times as are hereby before limited, after their coming to, or being of full Age, Discoveriture, of sound Memory, at large, or returning into this Province as other Persons.

Passed March 27, 1713.—Recorded A, Vol. II. p. 71.

C A P. III.

An A C T for establishing Orphans Courts.

Preamble.

WHEREAS by certain Laws of this Province, now in Force, several Matters of great Importance are directed to be done by the Orphans Courts, which being discontinued by the Repeal of the former Law of Courts, and not hitherto revived, nor effectually supplied by another Law, divers Orphans, and Persons concerned for them, or intrusted with their Estates, labour under great Inconveniencies; **BE IT THEREFORE ENACTED** by CHARLES GOOKIN, Esq; by the Queen's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; true and absolute Proprietary and Governor in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the

The Justices of the Court of Quarter-Sessions to hold the Orphans Court.

same, That the Justices of the Court of General Quarter-Sessions of the Peace in each County of this Province, or so many of them as are or shall be from Time to Time enabled to hold those Courts, shall have full Power, and are hereby empowered, in the same Week that they are or shall be by Law directed to hold the same Courts, or at such other Times as they shall see Occasion, to hold and keep a Court of Record in each of the said Counties; which shall be stiled, *The Orphans Court*, and to award Process, and cause to come before them, all and every such Person and Persons who, as Guardians, Trustees, Tutors, Executors, Administrators, or otherwise, are or shall be intrusted with, or any wise accountable for, any Lands, Tenements, Goods, Chattels or Estate, belonging or which shall belong to any Orphan or Person under Age, and cause them to make and exhibit, within a reasonable Time, true and perfect Inventories and Accounts of the said Estates; and to cause and oblige the Register-General, or such Person or Persons as, for the Time being, shall have the Power of Probates of Wills and granting Letters of Administration in this Province, or their Deputies, upon Application made in that Behalf, to bring or transmit into the said Orphans Court, true Copies or Duplicates of all such Bonds, Inventories, Accounts, Actings, and Proceedings whatsoever, now or hereafter remaining or being in the respective Offices, or elsewhere within the Limits of their Authority, as do or shall concern or relate to the said Estates, or any of them; and to order the Payment of such reasonable Fees for the said Copies, and for all other Charges, Trouble and Attendance, which any Officer or other Person shall necessarily be put upon in the Execution of this Act, as they shall think equitable and just. And if, upon Hearing or Examination thereof, it appears to the Justices of the said Court, that any of the said Officers have misbehaved themselves to the Prejudice of any Minor, or others concerned for them as aforesaid, the said Justices are hereby required to certify the same accordingly, which shall be good Evidence for the Party grieved to recover his Damages at common Law.

Their Power and Duty.

Letters of Administration, without giving Bond and Sureties, are void.

II. AND where any Letters of Administration shall be granted, and no Bond with Sureties given, as the Law in that Case requires, such Letters of Administration shall be and are hereby declared to be void and of none Effect, and that the Officer or Person that grants the same, and his Sureties, shall be, *ipso facto*, liable to pay all such Damages as shall accrue to any Person or Persons by Occasion of granting such Administration. And the Party to whom the same shall be so granted, may be sued as Executor in his own Wrong, and shall be so taken and deemed, in any Suit to be brought against him for or by Reason of his said Administration. Or if, upon such Examination, it appears that any of the said Officers have not taken sufficient Sureties, where the Administrators may not be of Ability to answer or make good the Value of what the Decedant's Estate doth

Where the Security appears to the Orphans

or shall amount to, then the said Justices of the Orphans Court are hereby required and impowered to cause all such Administrators to give better Security to the Register-General, by Bonds, in Manner and Form as the Law prescribes, and under such Penalties, and with such Sureties as the said Justices, after they have heard the Objections of Creditors or Persons concerned (if any such be made fitting the Court) shall approve of. And if it appears that any of the said Administrators have imbezelled, wasted or misapplied, or suffered so to be, any Part of the Decedant's Estates, or shall neglect or refuse to give Bonds, with Sureties as aforesaid, then, and in every such Case, the said Justices shall forthwith, by their Sentence, revoke or repeal the Letters of Administration granted them, and thereupon the said Register-General, or other Person then impowered to grant Administrations as aforesaid, where such Occasion happens, are hereby required to grant Letters of Administration to such Person or Persons, having Right thereunto, as will give Bonds in Manner and Form aforesaid, who may have their Actions of Trover or Detinue, for such Goods or Chattels as came to the Possession of the former Administrators, and shall be detained, wasted, imbezelled or misapplied by any of them, and no Satisfaction made for the same.

Court not sufficient, they shall compel such Administrators to give better.

III. *AND be it further enacted*, That when any Complaint is made to any of the said Justices, that an Executrix, having Minors of her own, or being concerned for others, is married, or like to be espoused to another Husband, without securing the Minors Portions or Estates, or that an Executor, or other Person, having the Care and Trust of Minors Estates, is like to prove insolvent, or shall refuse or neglect to exhibit true and perfect Inventories, or give full and just Accounts of the said Estates come to their Hands or Knowledge, then, and in every such Case, the same Justices are hereby required forthwith to call an Orphans Court; who shall cause all and every such Executors and Trustees, as also such Guardians or Tutors of Orphans or Minors as have been formerly appointed, or shall at any Time hereafter be appointed by the said Court, to give Security to the Orphans or Minors, by Mortgage or Bonds, in such Sums, and with such Sureties, as the said Courts shall think reasonable; conditioned for the Performance of their respective Trusts, and for the true Payment or Delivery, to and for the Use and Behoof of such Orphans as they are concerned for, or such as shall legally represent them, the Legacies, Portions, Shares and Dividends of Estates, real and personal, belonging to such Orphans or Minors, so far as they have Assets, as also for their Maintenance and Education, as the said Court shall think fit to order, for the Benefit and best Advantage of such Orphans, as is usual in such Cases.

In case Minors Estates be in Danger, &c. the Orphans Court shall cause the Executors to give Security.

IV. *AND be it further enacted*, That any of the said Executors, Administrators, Guardians or Trustees, may, by the Leave and Direction of the Orphans Court, put out their Minors Money to Interest, upon such Security as the said Court shall allow of; and if such Security so taken *bona Fide*, and without Fraud, shall happen to prove insufficient, it shall be the Minor's Loss. But if no Person who may be willing to take the said Money at Interest, with such Security, can be found by the Person so as aforesaid concerned for the Minors, nor by any others, then the said Executors, Administrators, Guardians or Trustees, shall, in such Cases, be responsible for the principal Money only, until it can be put out at Interest as aforesaid.

Minors Money may be put to Interest.

V. *PROVIDED always*, That the Day of Payment of the Money so to be put out to Interest, at any one Time, shall not exceed Twelve Months from the Date of the Obligation, or other Security given for the same, and so *Toties Quoties*, when and so often as the said Money shall be paid in, or come to the Hands of the said Executors, Guardians or Trustees.

Not exceeding Twelve Months at one Time.

VI. *PROVIDED also*, That no Executors, Administrators or Guardians, shall be liable to pay Interest, but for the Surplusage of the Decedant's Estate remaining in their Hands or Power, and belonging to the Minors, when the Accounts of their Administration are or ought to be settled and adjusted before the said Orphans Courts, or Register-General respectively.

VII. *AND be it further enacted*, That the Justices of the said Orphans Court, in the said respective Counties, shall, by Virtue of this Act, have full Power and Authority to exercise all the Powers, Authorities and Jurisdictions, granted or mentioned, or intended to be granted to the Orphans Court, in and by

Farther Authority of the Orphans Court.

by a Law of this Province, intituled, *An Act for better settling of Intestates Estates*, and to do, execute and perform, all such Matters and Things as the Orphans Court in the said Act, or in any other Act or Law of this Province mentioned, might or ought to have done or performed, according to the true Intent and Meaning thereof; with Power also to admit Orphans or Minors, when, and as often as there may be Occasion, to make Choice of Guardians or Tutors, and to appoint Guardians, next Friends or Tutors, over such as the said Court shall judge too young or incapable, according to the Rules of the common Law, to make Choice themselves; and at the Instance and Request of the said Executors, Administrators, Guardians or Tutors, to order and direct the binding or putting out of Minors Apprentices to Trades, Husbandry, or other Employments, as shall be thought fit. And that all Guardians and *Prochein Amis*, which shall be appointed by any of the said Orphans Courts, shall be allowed and received, without further Admittance, to prosecute and defend all Actions and Suits relating to the Orphans or Minors, as the Case may require, in any Court or Courts of this Province.

Persons summoned, and not appearing, &c.

VIII. AND if any Person or Persons, being duly summoned to appear in any of the said Orphans Courts, Ten Days before the Time appointed for their Appearance, shall make Default, the Justices may send their Attachments for Contempts, and may force Obedience to their Warrants, Sentences and Orders, concerning any Matter or Thing cognizable in the same Courts, by Imprisonment of Body, or Sequestration of Lands or Goods, as fully as any Court of Equity may or can do.

Appeal to the Supreme Court.

IX. *PROVIDED* always, That if any Person or Persons shall be aggrieved with any definitive Sentence or Judgment of the said Orphans Court, it shall be lawful for them to appeal from the same to the Supreme Court; which Appeal, upon Security given, as is usual in such Cases, shall be granted accordingly.

Discharges for Money, &c. by Executors, &c. are binding to the Orphans.

X. AND if any of said Executors, Administrators, Guardians or Trustees, did or shall receive and give Discharges for any Sums of Money, Debts, Rents or Duties, belonging to any Orphan or Minor for whom they were or are intrusted, *It is hereby declared and enacted*, That all such Discharges or Receipts shall be binding to and upon the Orphan or Minor, when he or she attains to full Age, and shall be most effectual in Law to discharge the Person or Persons that take the same.

Bonds how to be cancelled.

XI. AND when any of the said Minors attain to their full Age, and the Person or Persons so as aforesaid intrusted or concerned for them, having rendered their Accounts to the Orphans Court, according to the Direction of this and the said other Acts, and paid the Minors their full Due, then such Minors shall acknowledge Satisfaction in the said Court: But in case any of them refuse so to do, then the said Court shall certify how the said Persons concerned have accounted and paid; which shall be a sufficient Discharge to the Guardians or Tutors, and to the Trustees, Executors or Administrators, who shall so account and pay, and thereupon all Bonds entered into for Payment of such Orphans Portions shall be delivered up and cancelled.

What Persons may have the Charge of Orphans or Minors.

XII. *PROVIDED* always, and be it further enacted, That none of the said Orphans Courts shall have any Power to order or commit the Tuition or Guardianship of any Orphans or Minors, or bind them Apprentices to any Person or Persons, whose religious Persuasion shall be different from what the Parents of such Orphan or Minor professed at the Time of their Decease, or against the Minors own Mind or Inclination, so far as he or she has Discretion and Capacity to express or signify the same; or to Persons that are not of good Repute, so as others of good Credit, and of the same Persuasion, may or can be found.

Due Regard to be had to Wills, &c.

XIII. *PROVIDED* also, That the Justices of the said Courts, and all others concerned in the Execution of this Act, shall have due Regard to the Direction of all Last Wills, and to the true Intent and Meaning of the Testators, in all Matters and Things that shall be brought before them concerning the same.

Bonds directed to be given by any Law, &c.

XIV. *AND* be it further enacted, That all such Bonds or Obligations as are by this Act, or by any other Law of this Province, directed and required to be given to the Register-General, and all such Bonds as by any Law are directed to be given by the Register-General, or by any other Officers or Persons in Office whatsoever in this Province, for the due Execution of his or their respective Offices

Offices or Employments, are hereby declared to be to and for the Use of, and in Trust for, the Person or Persons concerned, and that the Benefit thereof shall be extended from Time to Time, for the Relief and Advantage of the Party grieved by the Mifeazance or Nonfeazance of the Officers, that did or shall give the same. to be for the Use of the Persons concerned, &c.

XV. AND that when any of the said Bonds shall be put in Suit, and Judgment thereupon obtained, the Judgment shall remain in the same Nature the Bonds were, and that no Execution issue out thereupon, before the Party grieved shall, by Writ of *Scire Facias*, summon the Person or Persons against whom the said Judgment is obtained, to appear, and shew Cause why Execution shall not issue upon the said Judgment. And if the Party grieved shall prove what Damages he sustained, and thereupon a Verdict be found for him, the Court of Common Pleas where such Suit is, shall award Execution for so much as the Jury shall then find, with Costs, and no more; and the former Judgment is hereby declared still to remain cautionary, for the Satisfaction of such others as shall legally prove themselves damnified, and recover their Damages in Manner aforesaid.

XVI. AND the said Register-General, and all others, in whose Hands the said Bonds shall be deposited or lodged, are hereby required to give any Person injured, that requests the same, a true Copy of any of the said Bonds, he paying *Three Shillings* for the same, and to produce the Original in Court, upon any Trial that shall be had for the Breach of any of them, if required by the Court; and if the Person in whose Hands the said Bonds shall be lodged or come, shall refuse or delay to give Copies thereof, and produce the Original in Court as aforesaid, he or they shall forfeit and pay to the Party grieved treble Damages, to be recovered against the Officer that gave such Bonds, or his Sureties, by Action of Debt, Bill, Complaint or Information, in any Court in this Province, where no Effoin, Protection or Wager or Law, or any more than one Imparlance, shall be allowed. The Register General, &c. to give Copies of such Bonds, &c.

Passed March 27, 1713.—Recorded A, Vol. II. p. 73.

C A P. IV.

An ACT for amending divers Laws, therein mentioned.

Passed March 27, 1713.—Recorded A, Vol. II. p. 78.—Repealed in Council, July 21, 1719.

C A P. V.

An ACT for the laying a Duty or Excise upon sundry Liquors; and also upon Hops, to answer several Exigencies of this Government.

Passed March 27, 1713.—Recorded A, Vol. II. p. 82.—Expired.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1714, in the First Year of GEORGE I. and continued by Adjournments to the Twenty-eighth of *May* following.

C A P. I.

An ACT of Privileges to a Freeman.

Passed May 28, 1715.—Recorded A, Vol. II. p. 89.—Repealed in Council, July 21, 1719.

C A P. II.

An ACT directing Appeals to *Great-Britain*.

Persons finding themselves aggrieved by Judgment, &c. of the Supreme or Admiralty Courts, may appeal Home.

If the Judgment, &c. be affirmed, &c. the Appellant shall pay all Debts, Damages, &c.

BE IT ENACTED by CHARLES GOOKIN, Esq; by the King's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; Proprietary and Governor in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Judgment, Sentence or Decree, of any of the Supreme Courts, or Courts of Admiralty in this Province, shall be so final, but that the Party grieved therewith may appeal to the King, his Heirs and Successors; so that such Appellant does depolite the Sum or Sums recovered or decreed against him, or become bound, with one or more sufficient Sureties, to the Party for whom such Judgment or Sentence is given, by Recognizance, in double the Sum adjudged to be recovered by the Sentence, Decree or Judgment of the said Courts, or any of them, with Condition, that the Person or Persons appealing, shall and will, within Eighteen Months after, prosecute his or their Appeal in *Great-Britain*, with Effect; and if the Judgment or Decree be affirmed there, or that the Appellant fails in the Prosecution of his said Appeal within the Time aforesaid, then the said Appellant, or Party in whose Name the Appeal is made, shall pay all the Debts, Damages and Costs, adjudged upon the former Judgment, Sentence or Decree, and all such Costs and Damages as shall be awarded for delaying Execution, or they the Sureties shall do the same for him; whereto the Judges, before whom the Recognizance is given, shall subscribe their Hands; and then Execution shall stay, and the Appellant, if taken in Execution, shall be discharged.

Passed May 28, 1715.—Recorded A, Vol. II. p. 89.

C A P. III.

An ACT for establishing the Courts of General Quarter Sessions in this Province.

Passed May 28, 1715.—Recorded A, Vol. II. p. 90.—Repealed in Council, July 21, 1714.

C A P. IV.

An ACT for empowering religious Societies to buy, hold and enjoy Lands, Tenements and Hereditaments.

Passed May 28, 1715.—Recorded A, Vol. II. p. 92.—Repealed in Council, July 21, 1714.

C A P. V.

An Affirmation ACT for such who, for Conscience Sake, cannot take an Oath.

Passed May 28, 1715.—Recorded A, Vol. II. p. 93.—Supplied.

C A P. VI.

An ACT for corroborating the Circular-Line between the Counties of *Chester* and *New-Castle*.

Passed May 28, 1715.—Recorded A, Vol. II. p. 94.—Repealed in Council, July 21, 1719.

C A P. VII.

An ACT for the better Recovery of Fines and Forfeitures, due to the Governor and Government of this Province.

Preamble.

TO the End that all Fines, Forfeitures, Issues and Amerciaments, which were designed, and ought to be applied towards defraying the necessary Charge of supporting the Administration of this Government, may be duly estreated, levied, and brought into the Provincial Stock or Treasury, that so the same may go to the Uses intended; BE IT ENACTED by CHARLES GOOKIN, Esq; by the King's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; Proprietary and Governor in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Fines, Issues, Amerciaments, forfeited Recognizances, Sum and Sums of Money to be paid in Lieu and Satisfaction of them, or any of them, and all other

other Forfeitures whatsoever, which, after the Twenty-fifth Day of *June*, One Thousand Seven Hundred and Fifteen, shall be set, imposed, lost or forfeited in the Supreme Court of this Province, or in any of the Courts of Common Pleas, Courts of General Quarter Sessions of the Peace and Goal Delivery, or before any special Commissioners of Oyer and Terminer, in any County of this Province, shall, by the Justices, Prothonotaries and Clerks of the said Courts respectively, be certified and estreated in and into the said Supreme Court, to be held at *Philadelphia*, on the Twenty-fourth Day of *September*, One Thousand Seven Hundred and Sixteen, expressing the Cause of the Loss, the Court, the Nature of the Writ, and Names of the Parties betwixt whom the said Issues and Amerciaments are lost.

Fines &c. to be estreated into the Supreme Court.

II. AND that all Fines, Issues, Amerciaments, forfeited Recognizances, Sum and Sums of Money to be paid in Lieu or Satisfaction of them, or any of them, and all other Forfeitures whatsoever, arising in any of the said Courts, from the said Twenty-fourth Day of *September*, One Thousand Seven Hundred and Sixteen, in every Year, to the Tenth Day of *April*, in every Year, shall be, and are hereby ordained and required to be certified and estreated in and into the said Supreme Court, the last Day of every *April* Court to be held at *Philadelphia*, in every Year; and from the Beginning of every *April* Court there, in every Year, to the Beginning of every *September* Court there, in every Year, on Pain that every Officer or Minister, of or belonging to the said Courts, or any of them, who by this, or any other Law of this Province, ought to make Certificates or Estreats of any of the said Fines, Issues, Amerciaments and Forfeitures, making Default or offending therein, shall forfeit and pay *Thirty Pounds*, current Money of this Province, for every such Default that shall be made in certifying and estreating as aforesaid; the one Moiety to the Use of the Governor, for Support of Government, and the other Moiety to such Person or Persons as will sue for the same, to be recovered in any Court of Record in this Province, by Action of Debt, Bill or Information, wherein no Effoin, Protection or Wager of Law, and but one Imparlance, shall be allowed.

Fines and Forfeitures to be estreated into the Supreme Court, on Penalty, &c.

III. AND be it further enacted by the Authority aforesaid, That all the Clerks of the Peace, and Town Clerks, and every of them within this Province, shall make and deliver, yearly, to the Sheriff of the respective County, City or Town corporate, where the Sessions of the Peace is or shall be kept, within Ten Days after the First Day of *November*, in every Year, a true and perfect Estreat or Schedule, of all Fines, Issues, Amerciaments, forfeited Recognizances, Sum and Sums of Money, and other Forfeitures whatsoever, which shall happen to be imposed, set, lost or forfeited, in any of the said Sessions of the Peace respectively, which shall be held before the said First Day of *November*, by or upon any Person or Persons whatsoever, due to the Governor or Government of this Province.

Clerks of the Peace, &c. to deliver yearly to the Sheriff, a Schedule of Fines, &c.

IV. AND also shall, yearly and every Year, on or before the Tenth Day of *April*, make and deliver into the said Supreme Court, a true and perfect Duplicate, Certificate and Estreat, of all the Schedules so delivered to the said respective Sheriffs, that so they, or their Opposals in the said Supreme Court, may be charged with the Money levied and received by them respectively upon such Schedules, delivered as aforesaid, on Pain that every Person and Persons offending herein, for every such Default or Failure made, shall forfeit and pay *Thirty Pounds*, current Money of this Province, the one Moiety to the Use of the Governor, for Support of Government, and the other Moiety to such Person or Persons as will sue for the same, to be recovered as aforesaid.

And a Duplicate into the Supreme Court.

V. AND be it further enacted by the Authority aforesaid, That the Justices of the said Supreme Court shall award Process for levying, as well of such Fines, Forfeitures, Issues and Amerciaments as shall be estreated into the Supreme Court, as of all the Fines, Forfeitures, Issues and Amerciaments which shall be lost, taxed and set there, and not paid to the Uses they shall be appropriated.

The Justices shall award Process for levying Fines, &c.

VI. AND be it further enacted by the Authority aforesaid, That no Justice, Officer or Minister, of or belonging to any of the said Courts, nor any Prothonotary or Clerk of the said Supreme or other Courts, Clerk of the Peace, Town Clerk, nor any Officer or Minister under them, or any of them; nor other Person or Persons whatsoever, do or shall spare, take off, discharge, or wittingly or

Justices, &c. not to conceal, &c. any Indictment, &c. unless by Rule of Court;

willingly

nor mis-
certify any
Fine, &c.

willingly conceal, any Indictment, Fine, Issue, Amerciament, forfeited Recognizance, or other Forfeiture whatsoever, exhibited, set, imposed, lost or forfeited, in any of the Courts above-mentioned, or before any of the Judges, Justices or Commissioners, of or belonging to the same; or any Sum or Sums of Money paid, or to be paid to any Officer or Officers, in Lieu or Satisfaction of any Fine or Forfeiture (unless it be by Rule or Order of Court where such Indictment, Fine, Issue, Amerciament, forfeited Recognizance or other Forfeiture, is or shall be exhibited, set, imposed, lost or forfeited) nor shall any of the said Justices, Officers or Ministers aforesaid, or any other, wittingly or willingly mis-certify or estreat in or into any of the said Supreme Courts, any Fine, Issue, Amerciament, forfeited Recognizance, or other Forfeiture whatsoever, whereby the Process of the said Supreme Court for the levying thereof may be made invalid and of none Effect: But every such Justice, Officer and Minister, and all and every other Person and Persons offending herein, shall, for every such Offence, forfeit and pay treble the Value of such Fine, Issue, Amerciament, forfeited Recognizance, Sum or Sums of Money, or other Forfeiture so spared, taken off, discharged, concealed, not certified or estreated, or mis-certified or estreated as aforesaid; the one Moiety thereof to the Governor, for Support of Government, and the other Moiety to such Person or Persons as will sue for the same; to be recovered as aforesaid.

Penalty.

Estreats to be
delivered
upon Oath
or Affirma-
tion.

VII. *AND be it further enacted by the Authority aforesaid, That all Clerks and Prothonotaries of the said Courts, Clerks of the Peace, Town Clerks, and others to whom it belongs to make Return of Estreats into the said Supreme Court, shall deliver in, all and every such Estreat and Estreats, upon their Oaths or Affirmations, to be administered by one or more of the Judges of the same Court, to the Effect following; That is to say,*

The Form.

VIII. *“YOU shall declare, That these Estreats, now by you delivered, are truly and carefully made up and examined; and that all Fines, Issues, Amerciaments, Recognizances and Forfeitures, which were set, lost, imposed or forfeited, and in right and due Course of Law ought to be estreated in the Supreme Court of Pennsylvania, are, to the best of your Knowledge and Understanding, herein contained; and that in the same Estreats are also contained and expressed, all such Fines and Amerciaments as have been paid into the Court from which the said Estreats are made, without any wilful or fraudulent Discharge, Omission, Misnomer or Defect whatsoever.”*

Judges of the
Supreme
Court, their
Power, &c.

IX. *AND be it further enacted, That any Two of the Judges of the said Supreme Court for the Time being, shall view all the said Estreats, and cause their Clerks to enrol them in the said Court; and shall hear and determine all Complaints brought before them, concerning immoderate Fines, Issues or Amerciaments estreated as aforesaid, and give Relief to the Party grieved, as the Law in Great-Britain in such Cases doth or shall direct.*

Process
against the
Sheriff, &c.

X. *AND be it further enacted by the Authority aforesaid, That where any Fine or Fines, Sum or Sums of Money, or other Forfeitures, due to the Governor or Government of this Province, after the said Twenty-fifth Day of June, One Thousand Seven Hundred and Fifteen, shall be paid to any Sheriff, Clerk, or other Officer or Minister whatsoever, belonging to any Court or Courts in this Province, and be, according to the Intent and Directions of this Act, certified and estreated in or into the said Supreme Court, then, and in such Case, Process shall issue out of the said Supreme Court, directed to the Sheriff or Coroner of the proper County, against such Officers and other Persons to whom such Fines, Sum or Sums of Money, or other Forfeiture is or shall be so paid, for levying and receiving the same, that so it may appear when, to whom, and how such Monies are received, answered and paid.*

Fines levied,
&c. shall be
paid to the
Provincial
Treasurer;

XI. *AND be it further enacted, That all and every the said Fines, Sums of Money, or other Forfeitures (excepting such as are by Law appropriated to the Poor, or for repairing Highways and Bridges, or any other particular Uses in the said respective Counties, or City of Philadelphia) which from henceforth shall be levied or received, according to the Intent and Directions of this Act, shall be paid by the Sheriff, or other Officer or Minister who levied or received the same, to such Person as the Assembly of this Province shall from Time to Time appoint Provincial Treasurer; who shall pay the same to the Uses the same are or shall be respectively appropriated: And the said Treasurer shall, from Time to Time, lay an*

an Account thereof before the Governor and Assembly for the Time being; and shall deduct *Five per Cent.* for his Trouble in paying and receiving the same.

XII. *PROVIDED always*, That nothing in this Act contained shall extend, to be any ways prejudicial to the Charter of the City of *Philadelphia*; but that the said City may have and enjoy the Fines and Forfeitures granted them by the said Charter, as if this Act had not been made.

XIII. *AND be it further enacted*, That the Secretary, or his Deputy, who draws Licences for keeping Public-houses, and selling Wine and other Liquors, in any Town or Place of this Province, shall keep a true and just Account of all the said Licences, expressing the Time when, the Persons Names to whom the same were granted, and where they live; and shall certify the same to the said Treasurer for the Time being, on the First Day of *November*, in every Year, upon Pain of forfeiting and paying the Sum of *Twenty Pounds*, Money of this Province, for every Default or Neglect in that Behalf; the one Moiety thereof to the Governor, for Support of Government, and the other Moiety to him or them that will sue for the same, to be recovered as aforesaid.

Passed May 28, 1715.—Recorded A, Vol. II. p. 97.

C A P. VIII.

An ACT for the Assigning of Bonds, Specialties and Promissory Notes.

WHEREAS it hath been held, That Bonds and Specialties, under Hand and Seal, and Notes in Writing, signed by the Party who makes the same, whereby such Party is obliged, or promises, to pay unto any other Person, or his Order or Assigns, any Sum of Money therein mentioned, are not, by Law, assignable or indorsable over to any Person, so as that the Person to whom the said Bonds, Specialties, Note or Notes is or are assigned or indorsed, may, in their own Names, by Action at Law or otherwise, recover the same; Therefore, to the Intent to encourage Trade, Commerce and Credit, BE IT ENACTED by CHARLES GOOKIN, Esq; by the King's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; Proprietary and Governor in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Bonds, Specialties and Notes in Writing, made or to be made, and signed by any Person or Persons, whereby such Person or Persons is or are obliged, or doth or shall promise to pay to any other Person or Persons, his, her or their Order or Assigns, any Sum or Sums of Money, mentioned in such Bonds, Specialties, Note or Notes, may, by the Person or Persons to whom the same is or are made payable, be assigned, indorsed and made over, to such Person or Persons as shall think fit to accept thereof.

II. *AND* that the Person or Persons to whom such Bonds, Specialties or Notes are or shall be assigned, indorsed or made over, their Factors, Agents, Executors or Assigns, may, at his, her or their Pleasure, again assign, indorse and make over the same, and so *Toties Quoties*.

III. *AND* that it shall and may be lawful for the Person or Persons, to whom the said Bonds, Specialties or Notes are assigned, indorsed or made over as aforesaid, in his, her or their own Name or Names, to commence and prosecute his, her or their Actions at Law, for Recovery of the Money mentioned in such Bonds, Specialties or Notes, or so much thereof as shall appear to be due at the Time of such Assignment, in like Manner as the Person or Persons to whom the same was or were made payable, might or could have done.

IV. *AND* in every such Action, the Plaintiff or Plaintiffs shall recover his, her or their Damages and Costs of Suit; and if such Plaintiff or Plaintiffs shall be nonsuited, or a Verdict be given against him, her or them, the Defendant or Defendants shall recover his, her or their Costs, against the Plaintiff or Plaintiffs.

V. *AND* every such Plaintiff or Plaintiffs, Defendant or Defendants respectively recovering, may sue out Execution for such Damages and Costs, in the like Manner as is usual for Damages and Costs in other Cases.

U

AND

Limitation of
Actions on
Promissory
Notes.

VI. *AND be it further enacted by the Authority aforesaid*, That all and every such Actions on such Promissory Notes, shall be commenced, sued and brought, within such Time as is appointed for commencing or suing Actions upon the Case, by an Act of this Province, passed in the Eleventh and Twelfth Years of the late Queen *Anne*, intituled, *An Act for Limitation of Actions*.

VII. *PROVIDED always*, That no Person or Persons shall have Power, by Virtue of this Act, to make, issue or give out any Bonds, Specialties or Notes, by themselves or Servants, than such as they might have made, issued and given out, if this Act had never been made.

Assignments
to be under
Hand and
Seal, &c.

VIII. *AND* that all Assignments made, of Bonds and Specialties, shall be under Hand and Seal, before two or more credible Witnesses.

After Assign-
ment the As-
signor not to
release.

IX. *PROVIDED also*, That it shall not be in the Power of the Assignors, after Assignment made as aforesaid, to release any of the Debts or Sums of Money really due by the said Bonds, Specialties or Notes.

Passed May 28, 1715.—Recorded A, Vol. II. p. 101.

C A P. IX.

An ACT for acknowledging and recording of Deeds.

Offices for
recording of
Deeds
established.

BE IT ENACTED by CHARLES GOOKIN, Esq; by the King's Royal Approbation Lieutenant-Governor, under WILLIAM PENN, Esq; Proprietary and Governor in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That there shall be an Office of Record in each County of this Province, which shall be called and stiled, *The Office for recording of Deeds*; and shall be kept in some convenient Place in the said respective Counties, and the Recorder shall duly attend the Service of the same, and, at his own proper Costs and Charges, shall provide Parchment, or good large Books, of Royal or other large Paper, well bound and covered, wherein he shall record, in a fair and legible Hand, all Deeds and Conveyances which shall be brought to him for that Purpose, according to the true Intent and Meaning of this Act.

Deeds before
recorded, to
be acknow-
ledged, &c.

II. *AND be it further enacted*, That all Bargains and Sales, Deeds and Conveyances of Lands, Tenements and Hereditaments, in this Province, may be recorded in the said Office; but before the same shall be so recorded, the Parties concerned shall procure the Grantor or Bargainor named in every such Deed, or else two or more of the Witnesses, who were present at the Execution thereof, to come before one of the Justices of Peace, of the proper County or City where the Lands lie, who is hereby empowered to take such Acknowledgment of the Grantor, if one, or of one of the Grantors, if more.

Or proved.

The Ac-
knowledg-
ment or
Proof to be
certified.

III. *BUT* in case the Grantor be dead, or cannot appear, then the Witnesses brought before such Justice shall by him be examined upon Oath or Affirmation, to prove the Execution of the Deed then produced: Whereupon the same Justice shall, under his Hand and Seal, certify such Acknowledgment or Proof upon the Back of the Deed, with the Day and Year when the same was made, and by whom: And that after the Recorder has recorded any of the said Deeds, he shall certify on the Back thereof, under his Hand, and Seal of his Office, the Day he entered it, and the Name or Number of the Book or Roll, and Page, where the same is entered.

Deeds made
out of this
Province,
how to be
proved.

IV. *AND be it further enacted*, That all Deeds and Conveyances, made and granted out of this Province, and brought hither and recorded in the County where the Lands lie (the Execution whereof being first proved by the Oath or solemn Affirmation of one or more of the Witnesses thereunto, before one or more of the Justices of the Peace of this Province, or before any Mayor, or Chief Magistrate or Officer, of the Cities, Towns or Places where such Deeds or Conveyances are or shall be made or executed, and accordingly certified under the Common or Public Seal of the Cities, Towns or Places, where such Deeds or Conveyances are so proved respectively) shall be as valid, as if the same had been made, acknowledged or proved, in the proper County where the Lands lie in this Province.

V. *AND be it further enacted by the Authority aforesaid*, That all Deeds and Conveyances made or to be made, and proved or acknowledged, and recorded

as aforesaid, which shall appear so to be, by Indorsement made thereon, according to the true Intent and Meaning of this Act, shall be of the same Force and Effect here, for the giving Possession and Seisin, and making good the Title and Assurance of the said Lands, Tenements and Hereditaments, as Deeds of Feoffment, with Livery and Seisin, or Deeds enrolled in any of the King's Courts of Record at *Westminster*, are or shall be in the Kingdom of *Great-Britain*. And the Copies or Exemplifications of all Deeds so enrolled, being examined by the Recorder, and certified under the Seal of the proper Office (which the Recorder, or Keeper thereof, is hereby required to affix thereto) shall be allowed in all Courts where produced, and are hereby declared and enacted to be as good Evidence, and as valid and effectual in Law, as the original Deeds themselves, or as Bargains and Sales enrolled in the said Courts at *Westminster*, and Copies thereof, can be; and that the same may be shewed, pleaded and made Use of accordingly.

The Force and Effect of Deeds acknowledged and recorded.

Certified Copies to be Evidence.

VI. *AND be it further enacted*, That all Deeds to be recorded in Pursuance of this Act, whereby any Estate of Inheritance in Fee-simple shall hereafter be limited to the Grantee and his Heirs, the Words Grant, Bargain, Sell, shall be adjudged an express Covenant to the Grantee, his Heirs and Assigns, *to wit*, That the Grantor was seized of an indefeasible Estate in Fee-simple, freed from Incumbrances done or suffered from the Grantor (excepting the Rents and Services due to the Lord of the Fee) as also for quiet Enjoyment against the Grantor, his Heirs and Assigns, unless limited by express Words contained in such Deed, and that the Grantee, his Heirs, Executors, Administrators and Assigns may, in any Action, assign Breaches, as if such Covenants were expressly inserted. *Provided always*, That this Act shall not extend to Leases at Rack-rent, or to Leases not exceeding One-and-twenty Years, where the actual Possession goes with the Lease.

The Force and Effect of the Words Grant, Bargain, Sell, &c.

VII. *AND be it further enacted*, That if any Person shall forge any Entry of the said Acknowledgments, Certificates or Indorsements, whereby the Freehold or Inheritance of any Man may be charged, he shall be liable to the Penalties against Forgers of false Deeds, &c. And if any Person shall perjure himself in any of the Cases herein above-mentioned, he shall incur the like Penalties as if the Oath or Affirmation had been in any Court of Record.

The Penalties against Forgery and Perjury.

VIII. *AND be it further enacted*, That no Deed or Mortgage, or defeasible Deed, in the Nature of Mortgages, hereafter to be made, shall be good or sufficient to convey or pass any Freehold or Inheritance, or to grant any Estate therein for Life or Years, unless such Deed be acknowledged or proved, and recorded within Six Months after the Date thereof, where such Lands lie, as herein before directed for other Deeds.

No Mortgage good, unless acknowledged and recorded in Six Months.

IX. *AND be it further enacted by the Authority aforesaid*, That any Mortgagee, of any real or personal Estates in this Province, having received full Satisfaction and Payment of all such Sum and Sums of Money as are really due to him by such Mortgage, shall, at the Request of the Mortgager, enter Satisfaction upon the Margin of the Record of such Mortgage recorded in the said Office; which shall for ever thereafter discharge, defeat and release the same; and shall likewise bar all Actions brought, or to be brought thereupon.

Mortgagee, having received his Money, shall enter Satisfaction.

X. *AND if such Mortgagee*, by himself or his Attorney, shall not, within Three Months after Request and Tender made for his reasonable Charges, repair to the said Office, and there make such Acknowledgment as aforesaid, he, she or they, neglecting so to do, shall for every such Offence forfeit and pay unto the Party or Parties aggrieved, any Sum not exceeding the Mortgage Money, to be recovered in any Court of Record within this Province, by Bill, Plaint or Information.

Penalty &c.

XI. *AND be it further enacted by the Authority aforesaid*, That *Charles Brockden*, of *Philadelphia*, Gent. shall be Recorder of Deeds for the City and County of *Philadelphia*, and the several Prothonotaries or County Clerks of *Bucks* and *Chester*, in this Province, shall be Recorders of Deeds for the said respective Counties, who shall continue in their said Office, until a Majority of the Justices of the Courts of Quarter Sessions, in the said respective Counties, shall see Occasion to remove them, and appoint others in their Places. But before any of the said Recorders enter upon their respective Offices, they shall find Sureties as follows, *viz.* the said Recorder of Deeds for the County and City of *Philadelphia*, shall

Recorders of Deeds appointed.

To give Security, &c.

shall become bound to the Governor of this Province, for the Time being, with one or more sufficient Sureties, in a Bond of *Five Hundred Pounds*, conditioned for the true and faithful Execution of his Office, and for delivering up the Records and other Writings belonging to the said Office, whole, safe and undefaced, to his Successor in the said Office: And the said County Clerks of *Bucks* and *Chester*, shall each of them, with one or more Sureties, become bound as aforesaid, in a Bond of *Two Hundred Pounds*, conditioned as aforesaid. Which said respective Bonds shall be filed in the Secretary's Office, and there safely kept, in order to be made Use of for making Satisfaction to the Parties that shall be damaged or aggrieved, as is or shall be in such Cases directed by the Laws of this Province.

Their Bonds to be filed in the Secretary's Office, &c.

Penalty for entering on their Offices before Security given.

Their Fees.

XII. AND no Recorder of Deeds whatsoever; now or hereafter appointed as aforesaid, shall enter upon or officiate in his said Office, before he hath given such Security as aforesaid, upon Pain of forfeiting the Sum of *One Hundred Pounds*, the one Half to the Governor, for Support of Government, and the other Half to him or them that shall sue for the same, to be recovered as aforesaid.

XIII. AND be it further enacted by the Authority aforesaid, That the said Recorders respectively, shall have and receive for recording, and for copying or exemplifying all Deeds, Conveyances and Writings, entered in the said Office, *One Half-penny* for every Line, containing not less than Twelve Words; and for every Search, *One Shilling*, and for every acknowledging Satisfaction, in the Margin of a Mortgage, recorded as aforesaid, *One Shilling*; and shall have and receive for affixing the Seal to every Exemplification, *One Shilling*, and for the Seal of Office and Indorsement of Certificate on each Deed acknowledged, and his Hand thereto, *One Shilling and Six-pence*.

XIV. AND if any of the said Recorders shall exact, or take any more or greater Fees, he or they so offending shall, for every Offence, forfeit and pay the Sum of *Five Pounds*, one Half thereof to the Governor, for Support of Government, and the other Half to him or them that shall sue for the same, to be recovered as aforesaid.

Penalty on Extortion.

Passed May 28, 1715.—Recorded A, Vol. II. p. 102.

C A P. X.

An ACT for the Ease of such as conscientiously scruple to take the solemn Affirmation formerly allowed in *Great-Britain*.

Passed May 28, 1715.—Recorded A, Vol. II. p. 105.—Repealed in Council July 21, 1719.

C A P. XI.

An ACT for continuing a friendly Correspondence with the *Indians*.

Passed May 28, 1715.—Recorded A, Vol. II. p. 106.—Expired.

C A P. XII.

An ACT for better determining of Debts and Demands under *Forty Shillings*, and for laying aside the Two Weeks Court in the City of *Philadelphia*.

Preamble.

WHEREAS the several Laws of this Province, for determining small Debts without Formality of Trial, were designed for the Ease and Convenience of the Subject; but Complaint is made by many of the Inhabitants of the City and County of *Philadelphia*, that the Manner of putting the same in Execution by some of the said City Magistrates and Officers, proves very chargeable and inconvenient: For Remedy whereof, BE IT ENACTED by CHARLES GOOKIN, Esq; by the King's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; Proprietary and Governor in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That upon Complaint made to any Justice of the Peace in this Province, against any Person or Persons, for any Debt or Demand under *Forty Shillings*, it shall and may be lawful for such Justice, and he is hereby impowered and required to issue forth his Warrant, in the Nature of a Summons, Capias or Attachment, as the Case

Case

Debts under Forty Shillings, how to be recovered.

Case may require, directed to the Constable of the Township or District where the Defendant dwells or can be found, commanding him to bring, or cause such Defendant to come, with the Plaintiff, before him or the next Justice forthwith; and when such Justice hath heard the Proofs and Allegations of both Parties, or some of them as will be present, he shall forthwith give Judgment in the Matter, which shall be final and conclusive to both Complainant and Defendant, without further Appeal. But the Justice that gives such Judgment shall keep fair Entries of the Names of the Complainants and Defendants, and the Debt or Sum contained in such Judgment, with the Day and Year when the same was given. And Execution, if required, shall be awarded by the Justice against the Body and Goods or Effects of the Defendant, or Person refusing to comply with such Judgment, directed to the Constable; but if the Defendant produceth Effects sufficient to satisfy the Sum contained in such Execution, his Body shall not be held any longer: But for Want of such Effects, the Constable is hereby required to take such Defendant into the Goal of the proper County; and the Sheriff or Keeper of such Goal, is hereby required to receive the Person so taken in Execution, and him safely keep, till the Sum recovered, with Costs, be paid, or Satisfaction made by Goods or otherwise; which Goods shall, within Three Days after, be sold by public Vendue, and the Overplus, if any, after reasonable Charges deducted, returned to the Owner.

II. *And be it further enacted by the Authority aforesaid*, That no Court in this Province shall have Cognizance of any of the said Debts or Demands under *Forty Shillings*, nor shall the same be determined by any Justice or Magistrate any other Way than this Act directs, any Law, Ordinance or Usage, to the contrary in any wise notwithstanding. No Court to have Cognizance of any Debts under *Forty Shillings*.

III. *AND be it further enacted by the Authority aforesaid*, That all and every the Ordinances and By-laws of the said City, made, or pretended to be made, for better executing the said Laws for determining of small Debts, and for erecting a Court or Courts for that Purpose, shall be and are hereby declared to be null and void; and that all and every the said Courts so erected, usually held by the Mayor or Recorder, with one or more of the Aldermen of the said City, commonly called *The Forty Shillings*, or *Two Weeks Court*, or by what Name soever the same may be called; and all Jurisdiction and Authority belonging to or exercised in the said Courts, or by any of the Magistrates or Ministers thereof, in hearing and determining Debts or Demands therein of *Forty Shillings* and under, be clearly and absolutely dissolved, taken away and abolished. City Ordinances for determining small Debts declared void; and the *Forty Shillings* Court dissolved.

IV. *AND* that all the Laws or Acts of Assembly of this Province heretofore made for determining Debts of *Forty Shillings*, or under (saving a Law, intituled, *An Act about Attachments under Forty Shillings*, passed in the Twelfth Year of the late King *William* the Third) and every Matter, Clause and Thing, therein contained, shall be, and are hereby declared to be repealed, annulled, and for ever made void, any Thing in the said Acts to the contrary in any wise notwithstanding. Repeal of all Laws for determining Debts under *Forty Shillings*, except, &c.

V. *PROVIDED always*, That nothing herein contained shall extend to enable any of the said Justices of the Peace within the respective Counties of this Province, nor any of the Magistrates of the City of *Philadelphia*, within the same City, to hear any Debt for Rents, or Contracts for real Estates. No Justice to hear any Debt for Rents, &c.

Passed May 28, 1715.—Recorded A, Vol. II. p. 108.

C A P. XIII.

An ACT for erecting a Supreme or Provincial Court of Law and Equity in this Province.

Passed May 28, 1715.—Recorded A, Vol. II. p. 109.—Repealed in Council, July 21, 1719.

C A P. XIV.

An ACT for establishing the several Courts of Common Pleas in this Province.

Passed May 28, 1715.—Recorded A, Vol. II. p. 112.—Repealed in Council, July 21, 1719.

C A P. XV.

An ACT for the better ascertaining the Practice of the Courts of Judicature in this Province.

Passed May 28, 1715.—Recorded A, Vol. II. p. 114.—Repealed in Council, July 21, 1719.

C A P. XVI.

An ACT for raising a Supply of *One Penny* in the Pound, and *Four Shillings* a Head, and for reviving other Acts therein mentioned.

Passed *May* 28, 1715.—Recorded A, Vol. II. p. 120.—Expired.

C A P. XVII.

An ACT for regulating and establishing Fees.

Passed *May* 28, 1715.—Recorded A, Vol. II. p. 128.—Supplied.

C A P. XVIII.

An ACT for laying a Duty on Wine, Rum, Brandy and Spirits, Cyder and Hops, imported into this Province.

Passed *May* 28, 1715.—Recorded A, Vol. II. p. 138.—Repealed in Council, *July* 21, 1719.

C A P. XIX.

An ACT for laying a Duty on *Negroes* imported into this Province.

Passed *May* 28, 1715.—Recorded A, Vol. II. p. 142.—Repealed in Council, *July* 21, 1719.



At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1715, in the Second Year of GEORGE I. and continued by Adjournments to the Twenty-ninth of the same Month.

C A P. I.

An ACT to enlarge the Time for putting in Execution a Law, passed in the last Sessions of Assembly, held for this Province, intituled, *An Act for raising a Supply of One Penny in the Pound, and Four Shillings a Head; and for reviving other Acts therein mentioned.*

Passed *October* 29, 1715.—Recorded A, Vol. II. p. 146.—Obsolete.

C A P. II.

An ACT for reviving of Actions and Procefs, lately depending in the Courts of the County of *Chester*, and for supplying other Defects, relating to Proceedings at Law in all the Courts of Common Pleas in this Province.

Passed *October* 29, 1715.—Recorded A, Vol. II. p. 148.—Obsolete.

At

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Nineteenth Day of *August*, Anno Dom. 1717, in the Fourth Year of GEORGE I. and continued by Adjournments to the Twenty-fourth of the same Month.

C A P. I.

An ACT for raising a Supply of *One Penny* per Pound, and *Four Shillings* a Head.

Passed *August* 24, 1717.—Recorded A, Vol. II. p. 150.—Expired.

C A P. II.

An ACT for the better regulating of Elections of Sheriffs, Coroners and Assessors.

WHEREAS the Manner of carrying on the said Elections, differing from the peaceable Method established for choosing Members of Assembly, has occasioned some Disorders and Tumults, which should be avoided for the future: THEREFORE IT IS ENACTED by WILLIAM KEITH, Esq; by the King's Royal Approbation, Lieutenant-Governor, under WILLIAM PENN, Esq; Proprietary and Governor in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That such Persons as have no Right to elect or be elected, according to a Law of this Province, made in the Fourth Year of the late Queen *Anne's* Reign, intituled, *An Act to ascertain the Number of Members of Assembly, and to regulate the Elections*, shall not have any Right of electing or being elected Sheriffs, Coroners or Assessors, in or for any County of this Province.

4 GEO. III.
Cap. 3.
7 GEO. III.
Cap. 7.

Who have
Right of
electing or
being elected
Sheriffs,
Coroners and
Assessors.

II. AND that all and every Person and Persons who, by Virtue of the said Act, shall from Time to Time come to elect Representatives to serve in Assembly, shall deliver in Writing, to the Judges of those respective Elections, in one Piece of Paper, distinctly written, as well the Names of Eight Persons for whom they vote to serve in Assembly, as also the Names of a double Number of such Persons as they would have to be Sheriffs and Coroners; and also the Names of Six Persons to be Assessors, for each County in this Province.

Tickets to
be in one
Piece of
Paper.

III. AND that the Persons who, by Majority of Votes, given according to the Direction of this Act, shall be chosen for Sheriffs and Coroners in the said respective Counties, shall be returned, presented and impowered to serve and act in their respective Offices, in Manner and Form, and under the Penalties, Qualifications and Directions, specified in a Law of this Province, intituled, *An Act for regulating Elections of Sheriffs and Coroners*: And the Persons so as aforesaid chosen to be Assessors for the said respective Counties, shall be returned and entered on Record, at the Court of Quarter Sessions in the proper County, next after every such Election, according to Tenor and Intent of the Law, intituled, *An Act for raising County Levies*, and shall be enabled to act as Assessors, pursuant to the Powers given them by that or any other Act or Law of this Province.

Persons cho-
sen to be
Sheriffs, &c.
how to be
qualified.

IV. AND be it further enacted, That the Inhabitants and Freeholders of the City of *Philadelphia*, shall observe and use the same Method in choosing their Assessors, as is herein above directed for the Choice of other Assessors.

City Asses-
sors, how
chosen.

V. AND be it further enacted, That all and every the above-mentioned Acts, and all other Acts of Assembly relating to the said Elections, and all the Powers, Provisions, Penalties, Clauses, Matters and Things, therein contained (except only such

The Acts
concerning
Elections

to continue
in force.

such Part and Parts thereof, touching which other Provisions or Alterations are hereby made) shall continue and be in full Force, as if the same were repeated and re-enacted in the Body of this Act.

Passed August 24, 1717.—Recorded A, Vol. II. p. 157.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1717, in the Fourth Year of GEORGE I. and continued by Adjournments to the Thirty-first of *May* next following.

C A P. I.

An ACT for laying a Duty upon sundry Liquors retailed in this Province.

Passed February 22, 1717-18.—Recorded A, Vol. II. p. 158.—Expired.

C A P. II.

An ACT for the better encouraging the Trade of this Province,

Passed February 22, 1717-18.—Recorded A, Vol. II. p. 160.—Obsolete.

C A P. III.

An ACT for laying a Duty on Wine, Rum, Brandy and Spirits, Cyder, Hops and Flax, imported into this Province.

Passed February 22, 1717-18.—Recorded A, Vol. II. p. 163.—Expired.

C A P. IV.

An ACT concerning Feme-Sole Traders.

Preamble.

WHEREAS it often happens that Mariners and others, whose Circumstances as well as Vocations oblige them to go to Sea, leave their Wives in a Way of Shop-keeping; and such of them as are industrious, and take due Care to pay the Merchants they gain so much Credit with, as to be well supplied with Shop-goods from Time to Time, whereby they get a competent Maintenance for themselves and Children, and have been enabled to discharge considerable Debts, left unpaid by their Husbands at their going away: But some of those Husbands, having so far lost Sight of their Duty to their Wives and tender Children, that their Affections are turned to those who, in all Probability, will put them upon Measures, not only to waste what they may get abroad, but misapply such Effects as they leave in this Province: For preventing whereof, and to the End that the Estates belonging to such absent Husbands may be secured for the Maintenance of their Wives and Children, and that the Goods and Effects which such Wives acquire, or are intrusted to sell in their Husbands Absence, may be preserved for satisfying of those who so intrust them, may it please the Governor that it may be enacted, AND BE IT ENACTED by WILLIAM KEITH, Esq; by and with the King's Royal Approbation, Deputy-Lieutenant and Governor, under WILLIAM PENN, Esq; Proprietary and Governor in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That where any Mariners or others are gone, or hereafter shall go to Sea, leaving their Wives at Shop-keeping, or to work for their Livelihood at any other Trade in this Province, all such Wives shall be deemed, adjudged and taken, and are hereby declared to be as Feme-Sole Traders, and shall have Ability, and are by this Act enabled to sue and be sued, plead and be impleaded at Law, in any Court or Courts of this Province, during their Husbands natural Lives, without naming their Husbands in such Suits, Pleas or Actions: And when

Who shall be
deemed
Feme-Sole
Traders.

when Judgments are given against such Wives for any Debts contracted, or Sums of Money due from them, since their Husbands left them, Executions shall be awarded against the Goods and Chattels in the Possession of such Wives, or in the Hands or Possession of others in Trust for them, and not against the Goods and Chattels of their Husbands; unless it may be made appear to the Court where those Executions are returnable, that such Wives have, out of their separate Stock or Profit of their Trade, paid Debts which were contracted by their Husbands, or laid out Money for the necessary Support and Maintenance of themselves and Children; then, and in such Case, Execution shall be levied upon the Estate real and personal of such Husbands, to the Value so paid or laid out, and no more.

How Debts contracted by such Feme shall be levied.

II. *AND be it further enacted by the Authority aforesaid*, That if any of the said absent Husbands, being Owners of Lands, Tenements, or other Estate in this Province, have aliened, or hereafter shall give, grant, mortgage or alienate, from his Wife and Children, any of his said Lands, Tenements or Estate, without making an equivalent Provision for their Maintenance, in Lieu thereof, every such Gift, Grant, Mortgage or Alienation, shall be deemed, adjudged and taken to be null and void.

Sales, &c. of Lands made abroad by absent Husbands are void, unless, &c.

III. *PROVIDED nevertbeless*, That if such absent Husband shall happen to suffer Shipwreck, or be by Sickness or other Casualty disabled to maintain himself, then and in such Case, and not otherwise, it shall be lawful for such distressed Husband to sell or mortgage so much of his said Estate, as shall be necessary to relieve him and bring him Home again to his Family, any Thing herein contained to the contrary notwithstanding.

The Husband being shipwrecked, &c. may sell, &c.

IV. *BUT* if such absent Husband, having his Health and Liberty, stays away so long from his Wife and Children, without making such Provision for their Maintenance before or after his going away, till they are like to become chargeable to the Town or Place where they inhabit; or in case such Husband doth or shall live in Adultery, or cohabit unlawfully with another Woman, and refuses or neglects, within Seven Years next after his going to Sea, or departing this Province, to return to his Wife and cohabit with her again, then, and in every such Case, the Lands, Tenements and Estate belonging to such Husbands, shall be and are hereby made liable and subject to be seized and taken in Execution, to satisfy any Sum or Sums of Money, which the Wives of such Husbands, or Guardians of their Children, shall necessarily expend or lay out for their Support and Maintenance: Which Execution shall be founded upon Process of Attachment against such Estate, wherein the absent Husband shall be made Defendant; any Law or Usage to the contrary in any wise notwithstanding.

The Lands of the Husband staying away, or living in Adultery, may be seized and taken in Execution, &c.

Passed February 22, 1717-18.—Recorded A, Vol. II. p. 166.

C A P. V.

An ACT for continuing a Duty on *Negroes* brought into this Province.

Passed February 22, 1717-18.—Recorded A, Vol. II. p. 168.—Expired.

C A P. VI.

An ACT for raising a Duty upon Tonnage of Ships and Vessels.

Passed, February 22, 1717-18.—Recorded A, Vol. II. p. 171.—Expired.

C A P. VII.

An ACT for erecting of Houses of Correction and Work-Houses, in the respective Counties of this Province.

WHEREAS the Proprietary, and first Adventurers, in their principal Model of this Government, proposed, That for Crimes inferior to Murder, the Punishments might be by Way of Restitution, Fine, Imprisonment, and such like; and where the Offender proved not of Ability to make such Satisfaction, then he should be kept in Prison or House of Correction at hard Labour; but no effectual Care has been yet taken to erect such Houses, by Reason whereof many Evil-doers escape unpunished, and Servants, who, for their Neglect and Abuses, should be kept to Work in such Houses, are become incorrigible: Therefore may it please the Governor that it may be enacted, **AND BE IT ENACTED** by WILLIAM KEITH, Esq; by the King's Royal Approbation, Deputy Lieutenant

Preamble.

Justices at
their Quarter
Sessions may
make Orders
for building
Houses of
Correction,
&c.

tenant and Governor, under WILLIAM PENN, Esq; Proprietary and Governor in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That from and after the First Day of *May*, which will be in the Year of our Lord One Thousand Seven Hundred and Eighteen, from Time to Time, it shall and may be lawful to and for the Justices of the Peace of the City of *Philadelphia*, in Conjunction with the Justices of the Peace of the County of *Philadelphia*, and for the Justices of the Peace of the other respective Counties of this Province, assembled at any Quarter Sessions of the Peace within the same respective Counties, or the major Part of them, to set down and make Orders for building, erecting, or causing to be built and erected or provided, one or more Houses of Correction and Work-Houses, with convenient Back-sides or Yards thereunto adjoining, in some convenient Places within their several Counties or Towns corporate: For the doing and performing whereof, and for the providing Stocks of Money, Goods, and all other Things necessary for the same, all such Orders as the said Justices, or the major Part of them, shall from Time to Time take, reform or set down in any of the said Quarter Sessions, for erecting or providing such Houses, raising the said Stocks, and governing of the same, as also for the correcting and Punishment of Offenders to be committed there, shall be of full Force, and be duly performed and put in Execution. Which said Houses shall be purchased, conveyed or assured unto such Person or Persons as by the Justices of the Peace, or the major Part of them, in their Quarter Sessions of the Peace, to be holden within every County of this Province, upon Trust, to the Intent the same shall be used and employed for the keeping, correcting and setting to Work of all Rogues, Vagabonds, or sturdy Beggars, and other idle and disorderly Persons, who by the Laws and Usage of *Great-Britain*, or by the Laws of this Province, are to be kept, corrected or set to Work, in such Houses and Back-sides.

The Time
limited for
the building
of the said
Houses.

II. *AND be it further enacted by the Authority aforesaid*, That within the Space of Three Years, after the Twenty-fifth Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Eighteen, a House of Correction or Work-House shall be built in the City of *Philadelphia*, at the Charge of the said City and County of *Philadelphia*; and a House of Correction or Work-House shall be built in *Chester*, at the Charge of the County of *Chester*; and another House of Correction or Work-House shall be built in *Bristol*, at the Charge of the County of *Bucks*.

The Officers
how to be
appointed;

III. *AND be it further enacted by the Authority aforesaid*, That by the major Part of the Justices of the Peace for the said City and County of *Philadelphia*, and for the Counties of *Chester* and *Bucks*, respectively, in their respective Quarter Sessions assembled, there shall be elected and chosen, out of the most able and honest Inhabitants and Freeholders of the said City and County of *Philadelphia*, and of the said Counties of *Chester* and *Bucks*, respectively, a President, a Treasurer and Assistants for the Houses of Correction, Work-House or Work-Houses in the said City and respective Counties; and that upon the Vacancy, by Death or otherwise, of any of the said Presidents, Treasurers or Assistants in the said respective Counties, the Power to erect others in their Room shall be in the major Part of the respective Justices of the Peace, who, in their General Quarter Sessions, from Time to Time, shall accordingly supply vacant Places.

Who shall
be account-
able to the
Justices in
their Sessions.

IV. *AND the said President, Treasurer and Assistants for the Time being*, shall be accountable for all their Disbursements and other Proceedings, to the said Justices or the major Part of them, who, at every Quarter Sessions, are hereby directed and required to examine and inspect the Accounts and all other Proceedings of the said President, Treasurer and Assistants; and in case any notorious Neglect, Imbezzlement or Breach of Trust, shall at any Time appear to the Justices against all or any one of the said Officers by them appointed as aforesaid, then the said Justices are hereby impowered to dismiss and displace all such Offenders, and to elect others in their Room.

Incorporat-
ing Clause.

V. *AND that nothing may be wanting to render effectual the good Intent of this Act in all its Parts*, may it please the Governor to condescend that it may be further enacted, *And be it enacted by the Authority aforesaid*, That the said President, Treasurer and Assistants, for the Time being, respectively, shall, for ever
hereafter,

hereafter, in Name and Fact, be Bodies Politic and Corporate in Law, to all Intents and Purposes; and shall have a perpetual Succession, and may sue or plead, or be sued and impleaded, by the Name of the President, Treasurer and Assistants for the Poor of the said respective Counties, in all Courts and Places of Judicature within this Province, and by that Name every of the said Corporations shall and may purchase or receive any Lands, Tenements or Hereditaments, not exceeding the yearly Value of *Three Hundred Pounds per Annum*, of the Gift, Alienation or Devise, of any Person or Persons, who are hereby enabled to transfer and grant the same, and any Goods and Chattels whatsoever, into or for the Use and Benefit of the Corporations aforesaid.

VI. *AND be it further enacted by the Authority aforesaid*, That the said President, Treasurer and Assistants, or one of them, at least, in each County aforesaid, respectively, shall give punctual and constant Attendance at the Work-Houses and Houses of Correction to which they respectively belong, there to receive and execute the Orders given by the Commitments which shall happen to be made from Time to Time by any Justice of the Peace, or other Magistrate, having legal Power to commit and send to the Work-Houses all Vagabonds, unruly Servants, and other idle or disorderly Persons; and the said Officers, in each County respectively, shall make Return to every Court of Quarter Sessions, duly, of their Proceedings in the Premises.

The Officers
to give At-
tendance at
the Work-
Houses.

VII. *AND be it further enacted by the Authority aforesaid*, That when the President, Treasurer and Assistants of any of the said Corporations shall certify, under their Hands and Seals, their Want either of a present Stock for the Beginning of the Work, or for Supply thereof for the future, and what Sum or Sums of Money they shall think fit for the same, to the Justices of the Peace of the said respective Counties, assembled in their Quarter Sessions, the said Justices are hereby required from Time to Time to set down and ascertain such Sum and Sums of Money, as they shall deem competent for the Purposes aforesaid, and cause the same to be raised as County Rates are usually levied, so that they do not exceed, for the City and County of *Philadelphia*, the yearly Value of *Four Hundred Pounds*; for the County of *Chester*, the yearly Value of *Two Hundred Pounds*; and for the County of *Bucks*, the yearly Value of *One Hundred Pounds*.

Upon their
certifying the
Want of
Stock, &c.
the said
Justices may
cause the
same to be
raised.

VIII. *AND be it further enacted by the Authority aforesaid*, That the President, Treasurer and Assistants, of any of the said Corporations, or Houses of Correction or Work-Houses, are hereby empowered to choose and entertain all such Officers, as shall be needful to be employed in and about the Premises, and them, or any of them to remove as they shall see cause, and upon such Removal, or Death of any of them, to choose others, and to make them reasonable Allowances for their Services out of the said Stock; and that all Sheriffs, Constables, and all other Officers and Ministers of Justice, shall be aiding and assisting to the said Corporation or Corporations, and to all such Officers as shall be employed by them in the Execution and Performance of the said Service.

Under Offi-
cers how to
be chosen,
&c.

Passed February 22, 1717-18.—Recorded A, Vol. II. p. 172.

C A P. VIII.

An ACT for erecting a Ferry to the Landing at or near the Land of *Daniel Cooper*, deceased, and also to *Gloucester*, in the Western Division of *New Jersey*.

Passed February 22, 1717-18.—Recorded A, Vol. II. p. 175.—Expired.

C A P. IX.

An ACT for the more effectual raising of County Rates and Levies.

Passed February 22, 1717-18.—Recorded A, Vol. II. p. 176.—Repealed by 11 GEO. I.

C A P. X.

An ACT to supply some Omissions in a Law passed at the last Sessions of Assembly, held for this Province, intituled, *An Act for raising a Duty upon Tonnage of Ships and Vessels*.

Passed May 31, 1718.—Recorded A, Vol. II. p. 186.—Expired.

C A P. XI.

An ACT for establishing a Ferry over *Delaware*, at the Falls.

Passed May 31, 1718.—Recorded A, Vol. II. p. 187.—Expired.

C A P.

C A P. XII.

An ACT for the continuing the Ferry from *Bristol*, in the County of *Bucks*, to *Burlington*, in the Western Division of the Province of *New-Jersey*.

Passed May 31, 1718.—Recorded A, Vol. II. p. 188.—Expired.

C A P. XIII.

An ACT empowering the Justices to settle the Prices of Liquors in Public Houses, and Provender for Horses in Public Stables.

Preamble.

The Justices
&c. to set
Prices on
Liquors, &c.

The Prices
to be pro-
claimed, &c.

Penalties on
demanding
greater
Prices.

WHEREAS it has been the Practice of Tavern-keepers, Ale-house-keepers and Inn-holders, to exact excessive Rates for their Wine, Beer, Cyder and other Liquors, and also Provender for Horses, without Regard to the Plenty and Cheapness thereof: BE IT THEREFORE ENACTED by WILLIAM KEITH, Esq; by and with the King's Royal Approbation, Deputy-Lieutenant and Governor, under WILLIAM PENN, Esq; Proprietary and Governor in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Justices of the Peace of the respective Counties of this Province, and also the Mayor, Recorder and Aldermen of the City of *Philadelphia*, shall have full Power, Four Times in the Year, to wit, at the General Sessions of the Peace, held for the said Counties and City respectively, to set such reasonable Prices on all Liquors retailed in Public Houses, and Provender for Horses in Public Stables, from Time to Time, as they shall see fit: Which Prices shall be proclaimed by the Cryer at the Conclusion of their said respective Sessions, and fixed upon the Court House Doors for public View.

II. AND if any public Ale-house-keeper, Taverner, Inn-holder or public Stable-keeper, exceed the Prices so set by the Justices, and be convicted thereof, by Oath or Affirmation of one or more Witnesses, before one or more Justices of the Peace of the respective Counties of this Province, or City of *Philadelphia*, every such Offender shall, for the First Offence, be fined in any Sum, not exceeding *Twenty Shillings*, and for the Second Offence *Forty Shillings*, and give Security for their good Behaviour; and for the Third Offence, upon Conviction in the Quarter Sessions of the respective Counties or City of *Philadelphia*, *Five Pounds*, and not to be recommended to keep a Public House or Tavern for the Space of Three Years after such Conviction.

Passed May 31, 1718.—Recorded A, Vol. II. p. 189.

C A P. XIV.

An ACT for the Advancement of Justice, and more certain Administration thereof.

Preamble.

12. GEO. III.
Cap. 12.
Recital of the
Royal Charter.

WHEREAS King CHARLES the Second, by his Royal Charter to WILLIAM PENN, Esq; for erecting this Country into a Province, did declare it to be his Will and Pleasure, That the Laws for regulating and governing of Property within the said Province, as well for the Descent and Enjoyment of Lands, as for the Enjoyment and Succession of Goods and Chattels, and likewise as to Felonies, should be and continue the same as they should be for the Time being by the general Course of the Law in the Kingdom of *England*, until the said Laws shall be altered by the said WILLIAM PENN, his Heirs or Assigns, and by the Freemen of the said Province, their Delegates or Deputies, or the greater Part of them.

AND WHEREAS it is a settled Point, that as the Common Law is the Birth-right of *English* Subjects, so it ought to be their Rule in *British* Dominions: But Acts of Parliament have been adjudged not to extend to these Plantations, unless they are particularly named in such Acts.

NOW forasmuch as some Persons have been encouraged to transgress certain Statutes against capital Crimes, and other Enormities, because those Statutes have not been hitherto fully extended to this Province.

I. THEREFORE, lest there should be any further Failure in that Behalf, may it please the Governor that it may be enacted, AND BE IT ENACTED

ED

ED by WILLIAM KEITH, Esq; by and with the King's Royal Approbation, Deputy-Lieutenant and Governor, under the said WILLIAM PENN, Esq; Proprietary and Governor in Chief of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Inquests and Trials of High Treason shall be according to the due Order and Course of the Common Law, observing the Directions of the Statute Laws of *Great-Britain*, relating to the Trials, Proceedings and Judgments, in such Cases.

Trials of High Treason to be as in *England*.

II. *AND be it further enacted*, That the Enquiries and Trials of all petty Treasons, Misprision of Treason, Murders, Manslaughters, Homicides, and all such other Crimes and Misprisions as by this Act, or any other Act of Assembly of this Province, are or shall be made capital or Felonies of Death, which have been or shall be done, committed, perpetrated or happen within this Province, shall be as by this Act is directed.

Trials of other capital Crimes, as by this Act.

III. *AND WHEREAS* the several Crimes declared by this Act to be Felonies of Death, are by the Course of the Laws of that Part of *Great-Britain*, called *England*, to be enquired of and tried by Justices, Juries and Witnesses, upon their Oaths. But forasmuch as the greatest Part of the Inhabitants of this Province are such who, for Conscience Sake, cannot take an Oath in any Case, yet without their Assistance Justice cannot be well administered, and too great a Burthen will fall upon the other Inhabitants: *Be it therefore enacted by the Authority aforesaid*, That all and all Manner of Crimes and Offences, Matters and Causes whatsoever, to be enquired of, heard, tried and determined by Virtue of this or any other Act or Law of this Province, or otherwise, shall and may be enquired of, heard, tried and determined by Judges, Justices, Inquests and Witnesses, qualifying themselves according to their conscientious Persuasions respectively, either by taking a corporal Oath, or by the solemn Affirmation allowed by Act of Parliament to those called *Quakers* in *Great-Britain*. Which Affirmation of such Persons, as conscientiously refuse to take an Oath, shall be accounted and deemed in the Law to have the full Effect of an Oath, in any Case whatsoever in this Province. And that all such Persons as shall be convicted of falsely and corruptly affirming or declaring any Matter or Thing, which, if the same had been upon Oath, would by Law amount to wilful and corrupt Perjury, shall incur the same Penalties, Disabilities and Forfeitures, as Persons convicted of wilful Perjury do incur by the Laws of *Great-Britain*.

Qualifications of Judges, Juries and Witnesses. 12 GEO. III. Cap. 20.

Their Affirmation to have the Effect of an Oath. If false to be Perjury.

IV. *AND* that upon all Trials of the said capital Crimes, lawful Challenges shall be allowed, and learned Counsel assigned to the Prisoners, and shall have Process to compel Witnesses to appear for them upon any of the said Trials. But before such Witnesses shall be admitted to depose, or give any Manner of Evidence, they shall first take an Oath or Affirmation, *To say the Truth, the whole Truth, and nothing but the Truth*, in such Manner as the Witnesses for the King are by the Law of this Province obliged to do; and if convicted of any wilful Perjury in such Evidence, shall suffer all the Punishments, Penalties, Forfeitures and Disabilities, which by any of the Laws and Statutes of *Great-Britain* are or may be inflicted upon Persons convicted of wilful Perjury.

Privileges of Criminals.

V. *BUT* if any of the said Prisoners shall, upon their Arraignment for any of the said Crimes, stand mute, or not answer directly, or shall peremptorily challenge above the Number of Twenty Persons returned to serve of the Jury, he or they so offending shall suffer as a Felon convicted, and shall lose the Benefit of Clergy, and of this Act, in the same Manner as he or they should have done if they had been indicted, arraigned, and found guilty, if it appear to the Justices, before whom such Felons be arraigned, by Evidence given before them, or by Examination, that the same Felonies whereon they are so arraigned had been such Felonies by Reason whereof they should have lost the Benefit of their Clergy.

Persons standing mute, &c. to suffer as Felons convicted, &c.

VI. *AND* when any Person or Persons shall be so as aforesaid convicted or attainted of any of the said Crimes, they shall suffer as the Laws of *Great-Britain* now do or hereafter shall direct and require in such Cases respectively. And it shall and may be lawful for the Justices of the Court where any of the said Attainders or Convictions shall happen, to give and pronounce such Judgment or Sentence against the Persons so attainted or convicted, as their Crimes respectively require, according to the Manner, Form and Direction, of the Laws of that Part

Judgments and Executions of such Criminals to be as in *England*.

of *Great-Britain* called *England* in the like Cases, and thereupon to award and order Execution to be done accordingly.

Sodomy, &c.
how punish-
ed.

VII. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall commit Sodomy or Buggery, or Rape or Robbery; which Robbery is done by assaulting another on or near the Highway, putting him in Fear, and taking from his Person Money or other Goods, to any Value whatsoever, he or they so offending, or committing any of the said Crimes within this Province, their Counsellors, Aiders, Comforters and Abettors, being convicted thereof as aforesaid, shall suffer as Felons, according to the Tenor, Direction, Form and Effect of the several Statutes, in such Cases respectively made and provided in *Great-Britain*, any Act or Law of this Province to the contrary in any wise notwithstanding.

Murder, in
Women con-
cealing the
Death of
their Bas-
tards, how
punished.

VIII. *AND be it further enacted by the Authority aforesaid*, That if any Woman shall be delivered of any Issue of her Body, Male or Female, which, being born alive, should, by the Law, be deemed a Bastard, and that she endeavour privately, either by drowning or secret burying thereof, or any other Way, either by herself or the procuring of others, so to conceal the Death thereof, as that it may not come to Light whether it were born alive or not, but be concealed, in every such Case, the Mother so offending, being convicted thereof according to the usual Course of Proceedings in capital Crimes within this Province, shall suffer Death, as in Case of Murder; except such Mother can make Proof, by one Witness at the least, that the Child, whose Death was by her so intended to be concealed, was born dead. And if any Person or Persons shall counsel, advise or direct such Woman to kill the Child she goes with, and after she is delivered of such Child, she kills it, every such Person, so advising or directing, shall be deemed accessory to such Murder, and shall have the same Punishment as the Principal shall have.

Advising to
kill them,
Murder.

The Statute
against Stab-
bing extend-
ed.

IX. *AND be it further enacted by the Authority aforesaid*, That the Statute against Stabbing, made in the First Year of the Reign of King JAMES the First, Chap 8, intituled, *An Act to take away the Benefit of the Clergy for some Kind of Manslaughter*, shall be duly observed and put in Execution in this Province, and be of like Force and Effect, as if the same Act were here repeated and enacted; but that all such Persons as shall happen to be present and aiding to the Stabbing of another, which by the said Act is made Murder, shall not be deemed Principals, but Accessories to such Stabbing.

Persons con-
victed of put-
ting out an
Eye, &c.
shall suffer as
Felons.

X. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons on Purpose, and of Malice-forethought, and by laying in Wait, shall unlawfully cut out or disable the Tongue, put out an Eye, slit the Nose, cut off the Nose or Lip, or cut off or disable any Limbs or Members of any of the King's Subjects, with Intention in so doing to maim or disfigure, in any of the Manners before-mentioned, such his Majesty's Subjects, that then, and in every such Case, the Person or Persons so offending, their Counsellors, Aiders and Abettors, knowing of and privy to the Offence as aforesaid, shall suffer Death, as in Cases of Felony, without Benefit of Clergy.

Witchcraft,
&c. *The Act*
of Parlia-
ment of the
1st JAC. I. is
repealed.

XI. *AND be it further enacted by the Authority aforesaid*, That another Statute, made in the First Year of the Reign of King JAMES the First, Chap. 12, intituled, *An Act against Conjuraton, Witchcraft, and dealing with evil and wicked Spirits*, shall be duly put in Execution in this Province, and of like Force and Effect, as if the same were here repeated and enacted.

Burglary
how punish-
ed.

XII. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall be so as aforesaid convicted of Burglary; which is a breaking and entering into a Dwelling-House of another in the Night-time, with an Intent to kill some reasonable Creature, or to commit some other Felony within the same House, whether the felonious Intent be executed or not, he or they so offending within this Province, being convicted thereof as aforesaid, shall suffer Death, without Benefit of Clergy, any Law of this Province to the contrary notwithstanding.

Arson how
punished.
12. GEO. III.
Cap. 12.
Sect. 1.

XIII. *AND if any Person or Persons shall be so as aforesaid convicted of maliciously and voluntarily burning the Dwelling-House, Barn, Stable or Out-House, of another, having Corn or Hay therein, he or they so offending within this Province, shall suffer Death, any Law of this Province to the contrary notwithstanding.*

XIV. *AND*

XIV. *AND be it further enacted by the Authority aforesaid,* That if any principal Offender in any capital Crime, which by the Laws of this Province for the Time being is made Felony of Death, shall be convicted of any such Felony, or shall stand mute, or peremptorily challenge above the Number of Twenty Persons returned to serve of the Jury, it shall and may be lawful to proceed against any Accessary, either before or after the Fact, in the same Manner as if such principal Felon had been attainted thereof, notwithstanding any such principal Felon shall be admitted to the Benefit of his Clergy, pardoned, or otherwise delivered before Attainder; and every such Accessary shall suffer the same Punishment, if he or she be convicted, or stand mute, or peremptorily challenge above the Number of Twenty Persons returned to serve of the Jury, as he or she should have suffered if the Principal had been attainted.

XV. *AND be it further enacted by the Authority aforesaid,* That if any Person or Persons shall receive, harbour or conceal, any of the said Robbers or Burglars, Felons or Thieves, or shall receive or buy any Goods or Chattels, that shall be feloniously taken or stolen by any such Robbers or Burglars, Felons or Thieves, knowing the same to be stolen, and being so as aforesaid convicted of either of the said Offences, if he or they pray to have the Benefit of this Act, in Lieu of Clergy, Judgment of Death shall not be given against them upon such Conviction, nor Execution awarded upon any Outlawry for such Offence, but they shall be burnt in their Hands, in Manner as herein after directed.

XVI. *PROVIDED always,* That if any such principal Robber or Burglar, Felon or Thief, cannot be taken, so as to be prosecuted and convicted for any such Offence, nevertheless it shall be lawful to prosecute and punish every such Person and Persons, buying or receiving any Goods stolen by any such principal Felon, knowing the same to be stolen, as for a Misdemeanor, to be punished by Fine and Imprisonment, or other such corporal Punishment as the Court shall think fit to inflict, altho' the principal Felon be not before convict of the said Felony: Which Punishment shall exempt the Offender from being punished as Accessary, if such principal Felon shall afterwards be taken and convicted.

XVII. *AND be it further enacted by the Authority aforesaid,* That if any Person or Persons, who have been indicted or appealed, or hereafter shall be indicted or appealed, for any of the said Crimes, did not, or will not appear to answer such Indictment or Appeal, the Justices before whom the same hath been or shall be taken, shall award a Writ, called *Capias*, against every such Offender, directed to the Sheriff of the County where the Party indicted or appealed are, by such Indictment or Appeal, supposed to be conversant or inhabit, returnable before the Justices of that Court, where such Party is or shall be so indicted or appealed, at the Supreme or Provincial Court next after the taking of such Indictment or Appeal; by which Writ of *Capias* the same Sheriff shall be commanded to take the Body of him or them so indicted or appealed, if he or they can be found in his Bailiwick. And if he or they cannot be found, the Sheriff shall make Proclamation in every Court of Quarter Sessions, which shall be held for the said County, where the said Party indicted or appealed is supposed to inhabit or be conversant as aforesaid, *That he or they being so indicted or appealed shall appear before the said Justices at the said Supreme Court, on the Day of the Return of the said Writ of Capias, to answer our Lord the King, or to the Party, of the Treason, Felony or Trespass, whereof he or they are so indicted or appealed.* Which Writ shall be delivered to the said Sheriff or Sheriffs Three Months before the Return thereof; after which Writ of *Capias* so served and returned, if he who is so indicted or appealed comes not at the said Day of Return of the said *Capias*, and yield his Body to the Sheriff, he shall be, by the Justices of the said Supreme Court, pronounced out-lawed, and attainted of the Crime whereof he is so indicted or appealed as aforesaid. And from that Time shall forfeit and lose all his Lands and Tenements, Goods and Chattels: Which Forfeiture, and all other Forfeitures expressed or implied by the said Judgments, to be given upon the said capital Offences mentioned in this Act, after such Criminals just Debts and reasonable Charges of their Maintenance in Prison are deducted, shall go, one Half to the Governor for the Time being, towards Support of this Government, and for defraying the Charges of Prosecution, Trial and Execution, of such Criminals; and

Accessaries.

Concealers of Robbers.

Though the principal Felon is not taken, Accessaries may be prosecuted.

Proceedings to Outlawry on Indictments.

Persons outlawed how punished.

and the other Half or Relidue thereof shall go to such Criminal's Wife and Children equally: But if he leaves no Wife or Children, then to the next of his Kindred, not descending lower than the second Degree, to be claimed within Three Years after the Death of such Criminals; otherwise the same shall go to the Governor as aforesaid, any Law or Usage to the contrary notwithstanding.

Criminals
liable to be
arrested by
their Credi-
tors.

Breakers of
Prisons.

Benefit of
Clergy how
obtained.

The Justices
shall commit
Offenders to
some House
of Correc-
tion, &c.

If Offenders
escape, and
be re-taken,
to be com-
mitted, &c.

The Master
of such
Work-House
removeable.

XVIII. *PROVIDED always, and be it further enacted*, That where any Person or Persons charged, committed to Prison, or convicted of any of the said capital Crimes, being justly indebted to any other Person or Persons, he or they so indebted may be arrested, or their Goods and Chattels attached, to answer the Suits of their respective Creditors, who making due Proof that the Debts or Sums demanded are really and without Fraud due, shall recover Judgment for the same, and Executions may be awarded against the Lands, Goods and Chattels, of such Defendants, as is usual in other Cases. *Provided also*, That he or they who shall happen to break Prison, shall not have Judgment of Life or Member for breaking of Prison only, except the Cause for which he or they were taken and imprisoned did require such Judgment, had he been convicted according to Law.

XIX. *AND be it further enacted by the Authority aforesaid*, That if any Person be convicted of any such Felony as is hereby made capital, for which he ought by the Laws of *Great-Britain* to have the Benefit of his Clergy, and shall pray to have the Benefit of this Act, he shall not be required to read, but without any Reading shall be allowed, taken and reputed to be, and punished as a Clerk Convict, and burnt, if for Murder, with an (M) upon the Brawn of the Left Thumb; and if for any other Felony, with a (T) in the same Place of the Thumb: Which Marks are to be made by the Goaler in open Court, as is usual in *Great-Britain*; which shall be effectual to all Intents and Purposes, and be as advantageous to him as if he had read as a Clerk, any Law or Usage to the contrary notwithstanding. And that the said Justices, before whom such Offender or Offenders shall be tried and convicted, shall also, at their Discretion, award and give Judgment, That such Offender and Offenders shall be committed to some House of Correction, or public Work-House within the County, City, Town or Place, where such Conviction shall be, there to remain and be kept without Bail or Main-prize for such Time, as such Justices shall then judge and award, not less than Six Months, and not exceeding Two Years, to be accounted from the Time of such Conviction, and an Entry thereof shall be made of Record, pursuant to such Judgment and Award; and such Offender and Offenders, so judged and awarded to remain and be kept in such House of Correction or public Work-House, shall be there set at Work and kept at hard Labour, for and during such Time as shall be so adjudged and recorded: And in case such Person or Persons shall refuse or neglect to work and labour as they ought to do, the Master or Keeper of such House of Correction, or public Work-House respectively, is hereby required to give such Persons such due Correction, as shall be fit and necessary in that Behalf.

XX. *AND be it further enacted by the Authority aforesaid*, That in case any such Offender or Offenders shall, after such Judgment given, escape out of Prison, or out of such House of Correction or public Work-House as he, she or they shall be committed unto as aforesaid, such Person or Persons, being afterwards re-taken, shall be brought before one or more of the Provincial Judges, or before two or more of the Justices of the Peace of such County, City, Town or Place, where such Offender or Offenders shall be so re-taken; which Judge or Justices are hereby required to commit such Offender and Offenders to some House of Correction, or public Work-House, within such County, City, Town or Place, where he, she or they shall be so re-taken, there to remain without Bail or Main-prize, for any Time not less than Twelve Months, and not exceeding Four Years, to be accounted from the Time of such Re-taking, and there be set at Work, and kept at hard Labour, and receive such due Correction as aforesaid. And in case any Master or Keeper of any House of Correction, or public Work-House, shall neglect to do his Duty as above directed, any Judge or Justice of Goal Delivery, upon Complaint and due Proof thereof, upon the Oath or Affirmation of one or more Witnesses to him made, shall be and is hereby impowered to remove such Person from his said Office.

XXI. *AND*

XXI. *AND be it further enacted by the Authority aforesaid,* That where a Man being convicted of any Felony, for which he may demand the Benefit of his Clergy, if a Woman be convicted for the same or like Offence, upon her Prayer to have the Benefit of this Act, Judgment of Death shall not be given against her upon such Conviction, or Execution awarded upon any Outlawry for such Offence, but shall suffer the same Punishment as a Man should suffer, that has the Benefit of his Clergy allowed him in the like Case; *That is to say,* shall be burnt in the Hand, in Manner aforesaid; and further, to be kept in Prison for such Time as the Justices in their Discretion shall think fit, so as the same do not exceed One Year. But if any Man or Woman, who have once had the Benefit of this Act as aforesaid, and shall be again convicted of any other Felony, hereby made capital or Felony of Death, for which a Man might have the Benefit of his Clergy, every such Man and Woman shall be, and are hereby totally excluded from having any Benefit or Advantage of this Act, but shall suffer Pains of Death, as in Cases where the Benefit of Clergy is by Law taken away.

A Woman, convicted of Felony, may have the Benefit of this Act.

Benefit of this Act not to be had twice.

XXII. *AND be it further enacted by the Authority aforesaid,* That where any Murder or Felony hath been, or hereafter shall be committed, in one County of this Province, and one or more Persons shall be Accessary or Accessaries to any such Murder or Felony in another County, that then an Indictment found or taken against such Accessary or Accessaries, upon the Circumstance of such Matter, before Justices of the Peace, or other Justices or Commissioners, to enquire of Felonies in the County, where such Offences of Accessary or Accessaries, in any Manner, have been or shall be committed or done, shall be as good and effectual in Law, as if the said principal Offence had been committed or done within the same County, where the Indictment against such Accessary hath been or shall be found.

Felonies committed in one County, and Accessaries in another, Indictment against such Accessary shall be effectual.

XXIII. *AND that the Justices of the said Supreme Court, or two of them,* upon Suit to them made, shall write to the Keepers of the Records, where such Principal is or shall be hereafter attainted or convicted, to certify them whether such Principal be attainted, convicted, or otherwise discharged of such principal Felony; who, upon such Writing to them or any of them directed, shall make sufficient Certificate in Writing, under their Seal or Seals, to the said Justices, whether such Principal be attainted, convicted, or otherwise discharged or not. And after they who so have the Custody of such Records, do certify, that such Principal is attainted, convicted, or otherwise discharged of such Offence by the Law, then the Justices of Goal Delivery, or of Oyer and Terminer, shall proceed upon every such Accessary, in the County where he or they became accessary, in such Manner and Form, as if both the said principal Offence and Accessary had been committed and done in the same County, where the Offence of Accessary was or shall be committed or done. And that every such Accessary, and other Offenders above expressed, shall answer upon their Arraignments, and receive such Trial, Judgment, Order and Execution, and suffer such Forfeitures, Pains and Penalties, as is used in other Cases of Felony, and as the Statute made in the Second and Third Years of King EDWARD the Sixth, Chap. 24, intituled, *An Act for the Trial of Murders and Felonies committed in several Counties*, doth direct in such Cases; which Statute shall be observed in this Province, any Law or Usage to the contrary notwithstanding.

Proceedings against Accessaries;

how they shall be tried.

XXIV. *AND be it further enacted by the Authority aforesaid,* That every Person who shall unlawfully and corruptly procure any Witness to commit wilful and corrupt Perjury, in any Matter or Cause depending in Suit and Variance, in any of the Courts of Judicature in this Province, or shall unlawfully and corruptly procure and suborn any Witness, to testify upon Oath or Affirmation, in any Matter, Cause or Thing whatsoever, such Offender shall forfeit the Sum of *Forty Pounds*, one Half thereof to the Governor, for the Support of this Government, and the other Half to the Party grieved: But for Want of Lands, Goods or Chattels, to satisfy the said *Forty Pounds*, every such Offender, being convicted or attainted of Perjury or Subornation aforesaid, shall, for his said Offence, suffer Imprisonment by the Space of Six Months, without Bail, and stand on the Pillory the Space of one whole Hour, in some Market-Town, or public Place where the Offence was committed; and shall suffer all the other Punishments, Penalties, Forfeitures and Disabilities, which are inflicted upon such Offenders by any Law or Statute of *Great-Britain*.

Penalties, &c. on Subornation of Perjury.

5th of Eliz.
Chap. 9.
against Per-
jury, extend-
ed.

XXV. AND that the Statute made in the Fifth Year of Queen ELIZABETH, Chap. 9. intituled, *An Act for Punishment of such Persons as shall procure or commit any wilful Perjury*, shall be observed in this Province, and be duly put in Execution, as well against those that shall falsify their Affirmations, as those who shall falsify their Oaths; or be convicted of Subornation of Perjury.

Justices of
Goal Deli-
very to give
Judgment,
&c. against
Persons re-
prieved.

XXVI. AND be it further enacted by the Authority aforesaid, That in all Cases, where any Person or Persons have been or shall be found guilty of any of the said Crimes, for which Judgment of Death should or may ensue, and shall be reprieved to Prison, without Judgment at that Time given him, her or them, so found guilty; that those who now are, or hereafter shall be assigned Justices, to deliver the Goal where any such guilty Persons shall remain, are hereby im- powered and authorised to give Judgment of Death, and award Execution against such Persons so found guilty and reprieved, as the same Justices, before whom such Person or Persons was or were found guilty, might have done before such Reprieve.

No Procefs
to be discon-
tinued by if-
suing new
Commissions
for Justices,
&c.

XXVII. AND that no Manner of Procefs or Suit, made, sued or had, be- fore any of the King's Justices of the Supreme or Provincial Court, Goal Deli- very, Oyer and Terminer, Justices of the Peace, or other the King's Commis- sioners, in this Province, shall not in any wise be discontinued, by the making and publishing of any new Commission or Association, or by altering the Names of the Justices of the said Supreme Court, Goal Delivery, Oyer and Terminer, Justices of Peace, or other the King's Commissioners; but that the new Justices of the said Supreme Court, Goal Delivery and of the Peace, and other Com- missioners, may proceed in every Respect, as if the old Commissions and Ju- stices, and Commissioners, had still remained and continued unaltered.

Nor by the
Death or Re-
moval of
the Proprie-
tary, &c.

XXVIII. AND that no Procefs, Pleas, Plaints, Suits, Actions or Proceed- ings whatsoever, which now are, or at any Time hereafter shall be commenced, sued, brought or depending, before any of the said Justices of the Supreme Court, Justices of the Courts of Common Pleas, or other the King's Justices, Commissioners or Magistrates, in this Province, shall be discontinued, or put without Day, by Reason of the Death or Removal of the Proprietary, or his Lieutenant-Governor of this Province, or by the Death, new Commissions, or not coming of the said Justices or Commissioners, or any of them; but shall stand good and effectual in Law, to all Intents and Purposes, notwithstanding the Death or Removal of the said Proprietary and Governor, or of the Death, new Commission, Association, or not coming of the said Justices, or any of them.

The Punish-
ment of Per-
sons con-
victed of
Larceny.

XXIX. AND be it further enacted by the Authority aforesaid, That if any Person or Persons, after the First Day of October, in this present Year One Thousand Seven Hundred and Eighteen, shall commit any Simple Larceny, which is not by this Act made Felony of Death, and be duly convicted thereof at the Court of Quarter Sessions of the Peace, to be held for the respective County where such Offence is committed, or where the Offender becomes ac- cessary in this Province, he, she or they, so offending, their Aiders, Comforters and Abettors, shall, for the first Offence, restore the Goods and Chattels, so stolen, to the right Owner or Owners thereof, or shall pay him or them the full Value of such Goods, or so much of them as cannot be restored; which Value shall be set by such Persons as the Court, before whom such Offenders are con- victed, shall appoint to do the same, upon their Oaths or Affirmations; and the said Offenders shall also pay the Costs of Prosecution, with all such other Sums of Money as the same Court shall allow for such Owner or Owners Loss of Time, Charges and Disbursements, in the Apprehending and Prosecution of such Of- fender. And moreover shall forfeit and pay the like Value of the Goods to the Governor, for the Support of this Government, and shall be committed to the common Goal of the County where they are convicted, there to remain till they make Satisfaction for all the Sums so to be adjudged or recovered against them; and moreover shall be publicly whipped on his or their bare Backs with Stripes well laid on, not exceeding Twenty-one. And that he or they who shall so as aforesaid be convicted of the second Offence, and his and their Aid- ers, Comforters and Abettors, shall pay to the right Owner or Owners of the Goods and Chattels, so stolen, the full Value of such Goods and Chattels, or of

For the first
Offence.

For the se-
cond.

so much of them as are not restored, which Value shall be set as aforesaid; and the said Offenders shall also pay the Costs and Charges aforesaid, to be allowed as abovementioned. And moreover, shall forfeit and pay the double Value of the said Goods to the Governor, for the Support of this Government, and shall be committed to the common Goal of the County where they are convicted, there to remain till they make Satisfaction as aforesaid, and shall be publicly whipped on their bare Backs with Stripes well laid on, not less than Twenty-one, nor exceeding Forty. And he or they who shall be so as aforesaid convicted of the third Offence, and his or their Aiders or Abettors, shall pay to the right Owner or Owners of such stolen Goods the full Value thereof, to be set as aforesaid; and the said Offenders shall also pay the Costs and Charges aforesaid, to be allowed as aforesaid; and shall also forfeit and pay the like treble Value to the Governor, for the Support of this Government, and shall be committed to the County Goal, there to remain till they make Satisfaction as aforesaid; and shall be publicly whipped on his or their bare Backs with Stripes well laid on, not less than Thirty-nine, nor exceeding Fifty. And that the said Justices, before whom such Offenders shall be tried and convicted of the third Offence, shall also, at their Discretion, award and give Judgment, that such Offenders shall be sent to some House of Correction, or public Work-House, and there to be set at Work, corrected, and remain, without Bail, for such Time as the Justices shall then judge and award, not less than Twelve Months, and not exceeding Four Years, to be accounted from the Time of such Conviction, and an Entry shall be thereof made accordingly, as is herein above directed in other Cases.

XXX. *PROVIDED* always, and be it further enacted by the Authority aforesaid, That none of the said Imprisonments hereby awarded, as Part of the Punishment of the said Offenders, or any of them, shall stop or avoid the awarding or taking out of Executions, to levy so much of the respective Sums recovered against them as aforesaid, as such Offenders refuse or neglect to pay, when such Writs are taken out. Which Executions shall be directed to the Sheriff or Coroner of the proper County, requiring him to levy the Sums due upon such Recoveries as aforesaid, of the Lands and Tenements, Goods and Chattels, of such Offenders, returnable to the Court of Quarter Sessions next after the Date or Test of such Writs; which shall be executed accordingly, and the Lands, Goods and Chattels, thereby seized, shall be sold and conveyed by the said Officers; and such Sales shall be as available and effectual in Law, as any other Sales of Lands taken and sold for Payment of Debts, by Virtue of Writs of Execution, awarded out of the Courts of Common Pleas in the said respective Counties.

XXXI. *AND* be it further enacted by the Authority aforesaid, That all the said Forfeitures, arising from Offenders who shall be convicted of the said Simple Larcenies, and by this Act directed to be applied for Support of Government, shall be duly levied by the Sheriffs of the respective Counties, and shall be paid into the Treasury of this Province, from Time to Time, as soon as the same can be levied; and the Provincial Treasurer for the Time being shall keep true and just Accounts thereof, and shall issue and pay the same to the Use and public Service of this Government. *Provided*, That the Forfeitures arising from the said Simple Larcenies, committed within the City of Philadelphia, shall go as their Charter directs. *Provided also*, and it is hereby enacted and declared, That the Testimony of the said Owners of stolen Goods shall be allowed, and taken to be good Evidence to convict the said Felons for such Stealing: And that the Law of this Province, intituled, *An Act against Robbing and Stealing*, passed in the Fourth Year of the late Queen ANNE; and another Act, *directing the Punishment of Petty Larceny under Five Shillings*, shall be and are hereby repealed.

XXXII. *AND* be it further enacted by the Authority aforesaid, That if any Person or Persons shall agree or compound, or take Satisfaction for any Stealing, or Goods stolen, such Person shall forfeit twice the Value of the Sums agreed for or taken: But no Person shall be debarred from taking his Goods back, which are stolen, provided he prosecute the Felon.

XXXIII. *PROVIDED* always, and be it further enacted by the Authority aforesaid, That no Indictment, Presentment or Inquisition, or any Process whatsoever,

For the third.

Imprisonments, &c. not to stop Execution against their Estates.

The Form of such Executions.

Forfeitures to be paid to the Provincial Treasurer.

Excepting Philadelphia.

The Testimony of Owners of stolen Goods, to be Evidence.

Such as compound for stolen Goods, forfeit twice the Value, &c.

No Indictment, &c. now depending, shall be discontinued.

soever, now depending in any Court within this Province, for any of the Crimes or Offences mentioned in this Act, shall be discontinued, abated or quashed, for or by Reason of this Act, or any Thing therein contained; but that the Judges and Justices of the respective Courts within this Province, shall proceed to hear, try and determine, the said Offences, in such Indictments, Presentments and Inquisitions, mentioned to be committed against any Act or Acts of Assembly of this Province, as were in Force at the Time of finding, making or taking the said Indictments, Presentments and Inquisitions, and thereupon to give Judgment, and award Execution, according to the Direction of the said respective Acts of Assembly upon which the said Indictments, Presentments or Inquisitions, are founded, as if the same Act or Acts of Assembly were, by a special Clause in this Act, continued for that Purpose, any Thing herein contained to the contrary notwithstanding.

Passed May 31, 1718.—Recorded A, Vol. II. p. 190.

C A P. XV.

An A C T for supplying some Defects in the Law for the Relief of the Poor.

Repealed by
11 GEO. III.

WHEREAS by a Law of this Province, intituled, *An Act for Relief of the Poor*, it is provided, That the Overseers of the Poor for the respective Townships, shall make Rates or Assessments for the Relief of the poor, indigent and impotent Persons inhabiting within the said Townships, but it is not ascertained what Settlements shall render one an Inhabitant, relievable by the said Act: **BE IT THEREFORE ENACTED** by WILLIAM KEITH, Esq; by and with the King's Royal Approbation, Deputy-Lieutenant and Governor, under WILLIAM PENN, Esq; Proprietary and Governor in Chief of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That where any unmarried Person, not having Child or Children, is or shall be lawfully hired as a Servant into any City, Township or District, in this Province, and did or shall continue and abide in the same Service during the Space of one whole Year, such Service shall be adjudged and deemed a good Settlement therein. And if any Person shall be bound an Apprentice by Indenture, and inhabit in any City or Township in this Province, such Binding and Inhabiting shall be adjudged a good Settlement. And if any Person, who hereafter shall come to inhabit in any of the said Townships or Districts, shall, for himself, and on his own Account, execute any public annual Office or Charge in the said Township or District during one whole Year, and shall be charged with and pay his Share towards the County Taxes or Levies for the Poor of the said Township or District, then he shall be adjudged and deemed to have a legal Settlement in the same. And that no other Person or Persons whatsoever, who shall come into any County, City, Township or District, within this Province, shall be adjudged to have procured a legal Settlement in such County, City, Township or District, unless he or they shall really and *bona Fide* take a Lease of a Tenement or Plantation, of the yearly Value of *Five Pounds*, or unless he or they give sufficient Security for the Discharge of the said County, City, Township or District, to be allowed by any two Justices of the Peace or Magistrates of such County or City.

Settlements of poor Persons how obtained.
By Apprenticeship.
By holding a public Office, and paying Taxes, &c.
By taking a Lease of a Tenement of *Five Pounds per Annum*, or giving Security.
Persons required to return, &c. not to gain a Settlement by their Continuance.

II. PROVIDED always, That where any Person or Persons are come into any County, City, Township or District, in this Province, out of any other County, City, Township or District, or out of any other Place or Province, and being likely to become chargeable to the Place where they are so come to inhabit, have been or shall be required by the Overseers of the Poor to return from whence they came, or give Security for the Discharge of the County, Township or Place, where they are come to inhabit, he, she or they refusing and neglecting so to do, shall not be deemed to have acquired a legal Settlement by their Continuance in the Place or Places where they are so come to inhabit, but that upon Complaint made by the Overseers of the Poor of the proper Township or District, to any one or more of the Justices of Peace or Magistrates of the proper County or City respectively, where any of the said Persons (refusing or neglecting to return or give Security, or coming to settle in any Tenement or Plantation under the said yearly Value

Value of *Five Pounds*, or not otherwise obtaining a lawful Settlement, according to the true Meaning of this Act) shall reside or be found at the Time of such Complaint, it shall and may be lawful to and for any two Justices of the Peace of the County or City, where any of the said Persons who are likely to be chargeable to the Township or Place where they reside, or shall come to inhabit, by their Warrant, to remove and convey such Person or Persons to the County, City, Township or Place, where he, she or they, were last legally settled, either as Native, Householder, Sojourner, Apprentice or Servant, unless he or they give sufficient Security for the Discharge of the said County, City or Township; to be allowed by the said Justices.

But may be removed to the Place where they last settled, by Warrant, &c.

III. *PROVIDED always*, That if any Person or Persons shall find him, her or themselves aggrieved by any Order or Determination, which any of the said Justices of the Peace or Magistrates shall make in any of the Cases aforesaid, such Person or Persons shall have Liberty to appeal to the next General Quarter Sessions of the Peace of the County or City where such Determination shall be made; who, upon hearing of such Appeal, shall have full Power finally to determine the same, and to award Costs as the Justices of the Peace at their Quarter Sessions in *Great-Britain*, by a Statute made in the 8th and 9th Years of King WILLIAM the Third, are impowered and required to do in such Cases.

Saving Appeal to the next Sessions.

IV. *AND* if any Person be removed by Virtue of this Act from one County, City, Township or Place to another, by Warrant, under the Hands and Seals of two Justices of the Peace or Magistrates as aforesaid, that the Overseers of the Poor of the Township or District to which the said Persons shall be so removed, are hereby required to receive the said Persons: And if any of the said Overseers shall refuse or neglect so to do, he or they so offending, upon Proof thereof by one or more credible Witnesses, upon Oath or Affirmation, before any one of the Justices of the Supreme Court of this Province, shall forfeit for each Offence the Sum of *Five Pounds*, to the Use of the Poor of the Township or District from which such Person was removed; to be levied by Distress and Sale of the Offender's Goods, by Warrant, under the Hand and Seal of the Justices of the said Supreme Court, which they are hereby impowered and required to make, directed to the Constable of the Township where such Offender or Offenders dwell, returning the Overplus, if any be, to the Owner or Owners: And for Want of sufficient Distress, then the Offender to be committed to the Goal of the County where he dwells, there to remain without Bail or Main-prize for the Space of Forty Days.

The Overseers to receive them, on Penalty, &c.

V. *PROVIDED always*, That all such Persons, who think themselves aggrieved with any such Judgment of the said two Justices, may appeal to the next General Quarter Sessions of the Peace, to be held for the County or City from which the said Person was so removed: And that the Appeal against any Order for the Removal of any poor Person out of any Township or Place shall be had, prosecuted and determined, at the General Quarter Sessions of the Peace for the County, City or Place, from whence such poor Persons shall be removed, doth lie, and not elsewhere.

Appeal to the next Quarter Sessions.

VI. *AND* to the End that the Monies raised only for the Relief of such as are impotent and poor may not be misapplied and consumed by the idle, sturdy and disorderly Beggars, *Be it further enacted by the Authority aforesaid*, That every such Person, as from the Twenty-fourth Day of *June*, in this present Year One Thousand Seven Hundred and Eighteen, shall be upon the Collection, and receive Relief of any County, City or Place, and the Wife and Children of any such Person cohabiting in the same House (such Child only excepted as shall be by the Overseers of the Poor permitted to live at Home, in order to have the Care of, and attend any impotent and helpless Parent) shall, upon the Shoulder of the right Sleeve of the Upper-Garment of every such Person, in an open and visible Manner, wear such Badge or Mark as is herein after mentioned and expressed; *That is to say*, a large Roman (P) together with the first Letter of the Name of the County, City or Place, whereof such poor Person is an Inhabitant, cut either in red or blue Cloth, as by the Overseers of the Poor it shall be directed and appointed.

Poor Persons relieved, to wear a Badge, &c.

VII. *AND* if any such poor Person shall at any Time neglect or refuse to wear such Badge or Mark as aforesaid, and in Manner aforesaid, it shall and may

Punishment
for not
wearing a
Badge.

be lawful for any Justice of the Peace of the County, City or Place, where any such Offence shall be committed, upon Complaint to him for that Purpose made, to punish every such Offender for every such Offence, either by ordering of his or her Relief, or usual Allowance on the Collection, to be abridged, suspended or withdrawn; or otherwise, by committing such Offender to the House of Correction, there to be whipped, and kept at hard Labour for any Number of Days, not exceeding Twenty-one, as to the said Justice should seem meet.

Penalty on
Overseers.

VIII. AND if any such Overseer of the Poor shall relieve any such poor Person, not having or wearing such Badge or Mark as aforesaid, being thereof convicted, upon the Oath or Affirmation of one or more credible Witnesses, before any Justice of the Peace of the County or City where such Offence shall be committed, shall forfeit for every such Offence the Sum of *Twenty Shillings*; to be levied by Distress and Sale of the Goods of every such Offender, by Warrant, under the Hand and Seal of any such Justice; one Moiety thereof to the Informer, and the other to the Poor of the Township or Place where the Offence shall be committed.

Passed May 31, 1718.—Recorded A, Vol. II. p. 199.

C A P. XVI.

An ACT for the vesting the House and Lot of Ground, lying in *Philadelphia*, late the Estate and Inheritance of *William Clark*, of *Lewes*, in the County of *Suffex*, deceased, in Trust, to be sold for the Payment of his Debts, &c.

Passed May 31, 1718.—Recorded A, Vol. II. p. 202.—Repealed in Council, January 8, 1719.

At the COUNCIL CHAMBER, *Whitehall*, the Twenty-sixth Day of *May*, One Thousand Seven Hundred and Nineteen.

P R E S E N T,

Their EXCELLENCIES the LORDS JUSTICES,

Archbishop of *Canterbury*,
Lord Chancellor,
Lord President,
Lord Privy Seal,
Lord Steward,
Lord Chamberlain,
Duke of *Marlborough*,
Duke of *Roxbury*,
Earl of *Sunderland*,

Earl of *Berkeley*,
Mr. Secretary *Craggs*.
Duke of *Manchester*,
Bishop of *London*,
Earl of *Westmoreland*,
Mr. Chancellor of the Dutchy,
Earl of *Ilay*,
General *Wills*,
Earl of *Halifax*.

UPON reading this Day at the Board, a Representation from the Lords Commissioners of Trade and Plantations, dated the First of this Instant, setting forth their having had under their Consideration an Act, passed at an Assembly in *Pennsylvania*, held in *May*, 1718, intituled, *An Act for the Advancement of Justice, and more certain Administration thereof*; and the said Commissioners, having taken the Opinion of Counsel learned in the Law, touching the same, do humbly present the said Act as proper to be confirmed: Their Excellencies the Lords Justices in Council, taking the same into Consideration, are pleased (pursuant to the Powers reserved to his Majesty in the Charter of Propriety, granted to *WILLIAM PENN*, Esq;) to declare their Approbation of the said Act, and according to their Excellencies Pleasure thereupon expressed, the said Act is hereby confirmed, finally enacted and ratified; whereof the Deputy-Governor, Council and Assembly of the said Province, and all others whom it may concern, are to take Notice, and govern themselves accordingly.

ROBERT HALES.

Recorded A, Vol. II. p. 204.

At the COUNCIL CHAMBER, *Whitehall*, the Twenty-first Day of *July*,
One Thousand Seven Hundred and Nineteen.

P R E S E N T,

Their EXCELLENCIES the LORDS JUSTICES,

Archbishop of *Canterbury*,
Lord Chancellor,
Lord Privy Seal,
Lord Steward,
Duke of *Roxbury*,
Lord President,

Earl of *Sunderland*,
Earl of *Ilay*,
Mr. Secretary *Craggs*,
Mr. Chancellor of the
Dutchy,
General *Wills*.

UPON reading this Day at the Board, a Representation from the Lords Commissioners of Trade and Plantations, dated the Eighth of this Instant, setting forth their having had under Consideration several Acts passed in *Pennsylvania*, intituled as followeth, viz.

An Act for amending divers Laws therein mentioned.

An Act of Privileges to a Freeman.

An Act for empowering religious Societies to buy, hold and enjoy, Lands, Tenements, &c.

An Act for establishing the Courts of Quarter Sessions in this Province.

An Act for establishing the several Courts of Common Pleas in this Province.

An Act for erecting a Supreme or Provincial Court of Law and Equity in this Province.

An Act for corroborating the Circular-Line between the Counties of Chester and New-Castle.

An Act for the Ease of such, as conscientiously scruple to take the solemn Affirmation formerly allowed in Great-Britain.

An Act for the better ascertaining the Practice of the Courts of Judicature in this Province.

An Act for laying a Duty on Wine, Rum, Brandy and Spirits, Cyder and Hops, imported.

An Act for laying a Duty on Negroes imported into this Province.

AND the said Lords Commissioners, having the Opinion of Mr. *West*, one of his Majesty's Counsel learned in the Law, upon the same, do humbly present the said Acts as proper to be repealed. Their Excellencies the Lords Justices in Council, taking the same into Consideration, are pleased, pursuant to the Powers reserved to his Majesty in the Charter of Propriety, granted to WILLIAM PENN, Esq; to declare their Disallowance of the said Acts: And according to their Excellencies Pleasure thereupon expressed, the said Acts are hereby repealed, and declared void and of none Effect; whereof the Deputy-Governor, Council and Assembly of the said Province, and all others whom it may concern, are to take Notice, and govern themselves accordingly.

JAMES VERNON.

At

At the COURT at *St. James's*, the Eighth Day of *January*, 1719.

P R E S E N T,

The KING's most Excellent MAJESTY.

Archbishop of *Canterbury*,
Lord Chancellor,
Lord President,
Lord Privy Seal,
Lord Steward,
Duke of *Bolton*,
Duke of *Montrose*,
Duke of *Roxbury*,
Marquis of *Annandale*,
Earl of *Lincoln*,

Earl of *Sunderland*,
Earl of *Loudoun*,
Earl of *Conningby*,
Mr. Secretary *Craggs*,
Mr. Chancellor of the Ex-
chequer,
Mr. Chancellor of the Dutchy,
General *Earle*,
Mr. *Hampden*,
General *Wills*.

UPON reading this Day at the Board, a Representation from the Lords Commissioners of Trade and Plantations, dated the Ninth of *December*, 1718, setting forth their having had under Consideration an Act, passed in *Pennsylvania*, in 1718, intituled, *An Act for vesting the House and Lot of Ground, lying in Philadelphia, late the Estate and Inheritance of William Clark, of Lewes, in the County of Suffex, deceased, in Trustees, to be sold for the Payment of his Debts, &c.* And the said Lords Commissioners, having taken the Opinion of Mr. *West*, one of His Majesty's Counsel learned in the Law thereupon, do humbly present the said Act as proper to be repealed: His Majesty in Council, taking the same into Consideration, is pleased, pursuant to the Powers reserved to His Majesty in the Charter of Propriety, granted to WILLIAM PENN, Esq; to declare his Disallowance of the said Act, and according to his Majesty's Pleasure thereupon expressed, the said Act is hereby repealed, and declared void and of none Effect; whereof the Deputy-Governor, Council and Assembly of the said Province, and all others whom it may concern, are to take Notice, and govern themselves accordingly.

ROBERT HALES.

Recorded A, Vol. II. p. 204.

At a GENERAL ASSEMBLY, holden at *Philadelphia* in *April*, Anno Dom. 1719, and in the Fifth Year of GEORGE I.

C A P. I.

An ACT laying an Excise or Duty on all Wine, Rum, Brandy and other Spirits, retailed in this Province.

Passed April 25, 1719.—Recorded A, Vol. II. p. 205.—Expired.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1720, in the Seventh Year of GEORGE I. and continued by Adjournments to the Twenty-fifth of *February* next following.

C A P. I.

An ACT for continuing severall Acts therein mentioned, laying a Duty on Wine, Rum, Brandy, Spirits, Cyder, Hops, Flax, *Negroes* and Vessels, until the Fourteenth Day of *May*, in the Year One Thousand Seven Hundred and Twenty-two.

Passed, *February* 24, 1720-21.—Recorded A, Vol. II. p. 211.—Expired.

C A P. II.

An ACT for erecting and maintaining of Pounds.

Passed *February* 24, 1720-21.—Recorded A, Vol. II. p. 212.—Repealed by Act of Assembly, 2 GEO. II. 1728.

C A P. III.

An ACT for regulating Party-Walls, Buildings and Partition-Fences, in the City of *Philadelphia*.

WHEREAS divers Inconveniencies, Irregularities and Controversies, have lately been, and still frequently happen, in Relation to Party-Walls, and laying the Foundation of Buildings in the City of *Philadelphia*: For the remedying whereof for the future, BE IT ENACTED by WILLIAM KEITH, Esq; Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Person or Persons, Builder or Builders whatsoever, shall, from and after the Twenty-fifth Day of *March*, One Thousand Seven Hundred and Twenty-one, lay the Foundation of any Building or Party-Wall within the said City, before they have applied themselves to the Surveyors or Regulators, to be appointed by the Mayor and Commonalty of the said City in their Common Council; who are hereby impowered to appoint two or more discreet and skilful Persons for that Purpose.

II. AND be it further enacted, That the said Surveyors or Regulators, upon Application to them made, shall have full Power and Authority to enter upon the Land of any Person or Persons, in order to set out the Foundations, and regulate the Walls to be built between Party and Party, as to the Breadth or Thickness thereof: Which Foundation shall be laid equally upon the Lands of the Persons, between whom such Party-Wall is to be made; and the first Builder shall be reimbursed one Moiety of the Charge of such Party-Wall, or for so much thereof as the next Builder shall have Occasion to make Use of, before such next Builder shall any Ways use or break into the said Wall. The Charge or Value thereof to be set by the said Regulators.

III. AND be it further enacted by the Authority aforesaid, That if any Person or Persons shall, of their own Authority, presume to begin or lay the Foundation of any Party-Wall, before the same be viewed and directed by the said Regulators, or some two of them, every such Person, as well Employer as Master-builder, shall forfeit the Sum of *Five Pounds*; one Half to the Prosecutor or Informer, and the other Half to the public Use and Benefit of the said City; to be recovered by Bill, Plaint or Information, in the Court of Common Pleas,

to be held for the City and County of *Philadelphia*, wherein no Protection or Wager of Law shall be allowed, nor any more than one Imparlance.

Persons find-
ing them-
selves ag-
grieved,
may apply to
the Mayor,
&c.

IV. *PROVIDED* always, and be it further enacted, That if either Party, between whom such Foundation or Party-Wall is to be made, shall find themselves any Ways aggrieved, by the Order or Direction of the said Regulators, he or they may appeal to the Mayor and Commonalty of the said City, at the next Common Council, who shall finally adjust and settle the same; which shall conclude and bind all Parties; the Costs whereof to be paid as the Mayor and Commonalty shall direct and appoint.

The Regula-
tors Fees.

V. *AND* be it further enacted, That the said Regulators or Surveyors, attending the said Service, for their Pains and Trouble in and about the Premises, shall be paid, by the Party or Parties concerned in such Foundation, or erecting such Party-Wall, the Sum of *Three Shillings* each.

Regulation
of Partition-
Fences, &c.

VI. *AND* be it further enacted by the Authority aforesaid, That the said Surveyors or Regulators, or any two of them, shall have full Power to regulate Partition-Fences within the said City; and where the adjoining Parties do improve or inclose their Lots, such Fences shall be made in the Manner generally used, and kept in good Repair, at the equal Cost of the Parties, so that the Price for making exceed not *Forty Shillings* for every Hundred Feet, unless the Owners or Possessors, between whom such Fence is or shall be erected, do agree otherwise.

Cost of erect-
ing and re-
pairing such
Fences, how
to be reco-
vered.

VII. *AND* be it further enacted, That if either Party, between whom such Partition-Fence is or shall be made, shall neglect or refuse to pay his Part or Moiety for the repairing or setting up of such Partition-Fence as aforesaid, that then the Party, at whose Cost the same was so repaired or set up, may have either his Action at Law, or have the same determined as in Cases of Debts under *Forty Shillings*, as the Case may require.

Passed February 24, 1720-21.—Recorded A, Vol. II. p. 214.

C A P. IV.

An ACT for the Trial and Punishment of Larceny under *Five Shillings*.

Preamble.

WHEREAS small or petty Larcenies are frequently committed within this Province, by Persons unable to maintain themselves in Prison till Prosecution can be made, or to pay the Costs of such Prosecution, or to make such Restitution and Forfeiture, upon Conviction, as by Law is now required; by Means whereof a public Charge is created, with many other great Inconveniencies: For the better preventing whereof, BE IT ENACTED by WILLIAM KEITH, Esq; Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Person or Persons, from and after the Publication hereof, shall be convicted, either by his, her or their own Confession, or the Testimony of other creditable Evidence, before any two Magistrates of the City of *Philadelphia*, or before any two Justices of the Peace in their respective Counties within this Province, of having feloniously stolen any Money, Goods or Chattels, the same being under the Value of *Five Shillings*, such Person shall have Judgment to be immediately and publicly whipped upon his or her bare Back, not exceeding Fifteen Lashes, or be fined, for the first Offence, at the Discretion of the said Magistrates, in any Sum not exceeding *Twenty Shillings*, and to make Restitution, if able, to the Party wronged; and shall also pay the Charges of Prosecution and Whipping, or shall be sent to the Work-house, to be kept at hard Labour: And for Want of such Work-house, to be committed to Prison for such Charges, for any Time not exceeding Twelve Days, any Act of this Government to the contrary notwithstanding.

Punishment,
&c. on any
Person steal-
ing under the
Value of *Five
Shillings*.

Appeals to
the Sessions
allowed, on
giving Se-
curity.

II. *PROVIDED* always, and be it further enacted, That if the Person or Persons charged with such Larcenies be free, and request to be tried at the General Sessions or Court of Record, to be held for the said City or Counties respectively, the same shall be granted by the said Magistrates, he or they giving Security for their Appearance to answer, or the Person so appealing shall be committed, as is usual in such Cases: But if the Person charged with such Larcenies be a Servant, he or she shall not have any Appeal, unless the Master, Mistress or Friend, of such
Servant,

Servant, shall become Security for his or her Appearance at the next Court, as is usual in such Cafes.

III. *AND be it further enacted*, That one or more of the Magistrates, who shall give Judgment by Virtue of this Act, shall keep fair Records of his or their Proceedings therein. Fair Records to be kept.

Passed February 24, 1720-21.—Recorded A, Vol. II. p. 216.

At a GENERAL ASSEMBLY, holden at Philadelphia, the Fourteenth Day of August, Anno Dom. 1721, in the Eighth Year of GEORGE I. and continued by Adjournments to the Twenty-sixth of the same Month.

C A P. I.

A Supplementary ACT to a Law of this Province, intituled, *An Act that no Public-house or Inn, within this Province, be kept without Licence.*

WHEREAS divers Persons within this Province, under Colour of retail-
ing Rum and other strong Liquors without Doors, for the Conveniency and Supply of the Inhabitants in their Families, and for that End, having obtained Permits from the Collector of the Excise, do sell, in or about their Houses, Drams and strong Liquors by small Measures, as well to Servants as others, contrary to the true Intent and Meaning of the Laws of this Province. And whereas divers Inn-holders or Tavern-keepers do frequently entertain and suffer Minors and Servants to be tippling in their Houses; all which being to the great Damage of the Inhabitants, and manifestly tending to the corrupting of Youth, and promoting Vice and Immorality: For preventing thereof, BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Recommendation shall be issued by the Justices of the respective Counties of this Province, or the City of *Philadelphia*, in order to obtain Licence from the Governor, for the keeping any Tavern or Public-house, as directed by an Act of this Province, intituled, *An Act that no Public-house or Inn, within this Province, be kept without Licence*, before the Person or Persons, desiring such Recommendation, shall become bound in the Prothonotary's Office, unto the Governor for the Time being, with Security, if required, in any Sum not exceeding *One Hundred Pounds*, That he or she, on obtaining such Licence, shall at all Times be of good Behaviour, and observe all the Laws and Ordinances, which are and shall be made relating to Inn-keepers or Taverners within this Province. And whosoever shall keep a Tavern, Inn, or Public-house of Entertainment, before he or she hath given Bond as aforesaid, such Person shall suffer the same Penalty, as if the same had been done without Licence. Preamble.
No Recommendation to be issued, &c. before Bond given, &c.
Penalty.

II., *AND be it further enacted by the Authority aforesaid*, That no Person or Persons, within this Province, other than such who are or shall be qualified so to do by the above recited Law, shall presume, by Virtue of any Permit from the Collector of the Excise, or under any other Colour or Pretence whatsoever, to sell, barter with, or deliver any Wine, Rum, Brandy or other Spirits, Beer, Cyder, or any mixed or strong Liquors, which shall be used or drank within their Houses, Yards or Sheds, or which shall be, with their Knowledge, Privity or Consent, used or drank in any Shelters, Places or Woods, near or adjacent to them, by Companies of *Negroes*, Servants or others; or to retail or sell, to any Person No Persons unqualified may sell Liquors by small Measure.

Person or Persons whatsoever, any Rum, Brandy or other Spirits, by less Quantity or Measure than one Quart; nor any Wine, by any less Quantity or Measure than one Gallon; nor any Beer, Ale or Cyder, by any less Quantity than two Gallons; and the same Liquors respectively delivered to one Person, and at one Time, without any Collusion or Fraud, contrary to the true Intent and Meaning of this Act, under the same Penalty mentioned in the said recited Act for keeping Public-house, or selling Liquors without Licence.

Tavern-keepers not to trust above the Value of *Twenty Shillings*.

Minors and Servants not to be trusted.

III. *AND be it further enacted by the Authority aforesaid*, That no Person or Persons, keeping a Public-house or Inn, shall trust or give Credit to any Person whatsoever, for Liquors, or any other Inn or Tavern Reckonings, in any Sum exceeding *Twenty Shillings*, under the Penalty of forfeiting and losing any such Debt. And if any Inn-holder or Keeper of a Public-house, or any Retailers of Liquors within this Province, shall receive, harbour, entertain or trust, any Minor, under the Age of Twenty-one Years, or any Servant, knowing them to be such, or after having been cautioned or warned to the contrary by the Parent, Guardian, Master or Mistress, of such Minor or Servant, in the Presence of one or more credible Witnesses or Witnesses, such Inn-holder, Keeper of Public-house, or Retailers of Liquors, so offending, shall, for the first or second Offence, being duly convicted thereof, forfeit and pay the Sum of *Twenty Shillings* for every such Offence, over and above the Loss and Forfeiture of any Debt such Minor or Servant shall or may contract for Liquors or Entertainment: And upon Conviction for the third Offence, the Licence obtained by such Offender is hereby declared null and void, and the Person, so repeatedly offending, shall forfeit and pay the Sum of *Five Pounds*, and be for ever after incapable of keeping a Public-house or Inn within this Province.

Penalty on furnishing Slaves with Liquors, or harbouring them.

IV. *AND be it further enacted by the Authority aforesaid*, That no Person whatsoever, within this Province, shall presume by any Means to furnish, supply or sell to any *Negro* or *Indian* Servants, any Rum, Brandy, Spirits, or any other strong Liquors whatsoever, mixed or unmixed, either within or without Doors, or shall receive, harbour or entertain any *Negro* or *Indian* Servant, in or about their Houses, without special Licence had and obtained, under the Hand of the Master or Mistress of such *Negro* or *Indian* Servant respectively, under the Penalty of forfeiting and paying, for the first Offence, *Twenty Shillings*, and for the second, and every Offence after, *Thirty Shillings*; to be recovered before any one Justice of the Peace of the County where the Offence is committed, upon Proof of one or more credible Witnesses or Witnesses, or upon the View of any Magistrate within the respective Counties of this Province, where the Fact shall be committed.

Persons suing for a Tavern Debt above *Twenty Shillings*, to be non-suited, and pay double Costs.

V. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons, keeping a Public-house or Inn, or retailing Liquors as aforesaid, in this Province, shall trust or credit any Person for Liquors retailed, or other Expences, above *Twenty Shillings* as aforesaid, or shall presume to sue any such Person, or shall arrest or attach any Servant for any Debt contracted for Liquors or Accommodations, knowing such Person to be a Servant, and after they have been warned or cautioned not to entertain such Servant as aforesaid, all such Actions and Suits shall abate, and the Person sued, and the Master or Mistress, in Behalf of such Servant, or the said Servants themselves, being sued as aforesaid, shall and may plead this Act in Bar; and the Plaintiff in such Suit shall become Non-suit, and pay double Charges.

Fines how to be levied and disposed of.

VI. *AND be it further enacted*, That the several Fines, imposed by this Act, shall be levied by Execution on the Offender's Goods, or his or her Person be committed to the County Goal, until the same be paid, upon Conviction of the Party, before the Mayor or Recorder of the City of *Philadelphia*, for Offences against this Act committed in the City of *Philadelphia*; and before any one or more of the Magistrates of the County, for Offences committed in the respective Counties: And that all Fines and Forfeitures recovered by Virtue of this Act, which are not otherwise appropriated by any former Act, shall be applied in Manner following; *That is to say*, The one Moiety shall be paid to the Father, Mother, Guardian, Master or Mistress, of the Minor or Servant entertained as aforesaid, or to the said Servant, as the Magistrate shall direct; and the other Moiety shall be paid unto the

the Overseers of the Poor of the City or County where the Offence is committed, for the Use of the Poor of the said City or County.

Passed August 26, 1721.—Recorded A, Vol. II. p. 217.

C A P. II.

An ACT for preventing Accidents that may happen by Fire.

BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Master, or other Person whatsoever, shall bream any Ship, Sloop or other Vessel, with blazing Fire, or cause the same to be done in any of the Docks, or at any of the Wharffs, within the Limits of the City of *Philadelphia*, except in such Place or Places as shall from Time to Time be appointed for that Service, by the Mayor and Commonalty of the said City; and if any Master, or other Person whatsoever, shall heat, or cause to be heated, with blazing Fire, any Pitch, Tar, Turpentine, Rosin, Oil, Tallow, or any sulphurous Matter, for the Use of any Ship or Vessel, other than such as shall be on the Stocks, except in such Places as shall be from Time to Time appointed as aforesaid, every such Master, or other Person whatsoever, doing or causing the same to be done, being convict thereof, by one or more credible Witnesses, before the Mayor and Recorder, or any two Magistrates of the said City, shall forfeit and pay the Sum of *Five Pounds* for every such Offence, together with Costs of Prosecution; one Half whereof for the Use of the Person or Persons, who shall sue or prosecute for the same, and the other Half to be paid to the City Treasurer, for the Use of the said City.

Penalty on breaming Vessels, and heating with blazing Fire Pitch, &c. at the Wharffs in the City, except, &c.

II. *AND be it further enacted*, That if any Master, or other Person whatsoever, shall suffer any Fire to be kept (Candle excepted) after the Hour of Eight in the Evening, on board any Ship or other Vessel, lying in any of the Docks, or at any of the Wharffs aforesaid, or in the Road before the said City, being convict thereof as aforesaid, shall, for every such Offence, forfeit and pay the Sum of *Ten Shillings*, for the Uses aforesaid. *Provided always*, That it shall and may be lawful for the Mayor of the City of *Philadelphia*, for the Time being, by Licence under his Hand, to permit the Master of any Vessel, lying in the Road of *Philadelphia* aforesaid, to use Fire on board such Ship or Vessel after the Hour of Eight aforesaid, in case of Sicknesh, or any other extraordinary Occasion, any Thing in this Act to the contrary notwithstanding.

No Fire to be kept on board any Vessel after Eight at Night,

without Licence from the Mayor.

III. *AND be it further enacted*, That if any Person or Persons within the City of *Philadelphia*, or Towns of *Chester*, *Bristol*, *Germantown*, *Darby* or *Chichester*, shall set on Fire their Chimnies, to cleanse them, or shall suffer them or any of them to take Fire, and blaze out at the Top, and be duly convicted thereof, by one credible Witness, before any one Justice of the Peace of the said City or Counties, such Person or Persons shall forfeit and pay for every such Offence *Twenty Shillings*, for the Use of the said City or Towns respectively, where such Offence shall happen. And the first Paragraph of an Act of Assembly of this Province, imposing a Fine of *Forty Shillings* upon every Person that shall fire, or suffer their Chimnies to be fired, shall and is hereby declared to be repealed and made void.

24 GEO. II. Cap. 3. Penalty on firing of Chimnies.

IV. *AND* whereas much Mischief may happen by shooting of Guns, throwing, casting and firing, of Squibs, Serpents, Rockets and other Fire-works, within the City of *Philadelphia*, if not speedily prevented, *Be it therefore enacted by the Authority aforesaid*, That if any Person or Persons, of what Sex, Age, Degree or Quality soever, from and after Publication hereof, shall fire any Gun or other Fire-arms, or shall make, or cause to be made, or sell, or utter, or offer to expose to Sale, any Squibs, Rockets or other Fire-works, or shall cast, throw or fire, any Squibs, Rockets or other Fire-works, within the City of *Philadelphia*, without the Governor's special Licence for the same, of which Licence due Notice shall first be given to the Mayor of the said City, such Person or Persons so offending, and being thereof convicted before any one Justice of the Peace of the said City, either by Confession of the Party so offending, or by the View of any of the said Justices, or by the Oath or Affirmation of one or more Witnesses, shall for every such Offence forfeit and pay the Sum of *Five Shillings*; one Half to the Use of the Poor of the said City, and the other Half to the Use of him

24 GEO. II. Cap. 3. Fire-works not to be fired in *Philadelphia*, without the Governor's Licence.

or them, who shall prosecute and cause such Offender to be as aforesaid convicted; which Forfeitures shall be levied by Distress and Sale of the Offender's Goods as aforesaid; and for Want of such Distress, if the Offender refuses to pay the said Forfeiture, he shall be committed to Prison for every such Offence the Space of two Days, without Bail or Main-prize: *Provided*, That such Conviction be made within Ten Days after such Offence committed. And if such Offender be a *Negro* or *Indian* Slave, he shall, instead of Imprisonment, be publicly whipped, at the Discretion of the Magistrate.

Limitation of
Prosecutions.

Punishment
on a Slave
offending.

Passed *August* 26, 1721.—Recorded A, Vol. II. p. 219.

C A P. III.

An ACT to prevent the killing of Deer out of Season, and against carrying of Guns or Hunting, by Persons not qualified.

Passed *August* 26, 1721.—Recorded A, Vol. II. p. 220.—Repealed by 33 GEO. II. Cap. 4.

C A P. IV.

An ACT for the well tanning and currying of Leather, and regulating of Cordwainers, and other Artificers, using and occupying Leather within this Province.

Preamble.

12 GEO. III.
Cap. 17.
13 GEO. III.
Cap. 7.

WHEREAS very great Abuses have been committed by Tanners, Curriers and other Persons, using and working of Leather within this Government; and the Prices of Leather become very exorbitant and burthensome to the People of this Province: To the Intent therefore that a reasonable and indifferent Course, for the true and well tanning, currying and working of Leather, may be from henceforth established and appointed, and yet the Persons using the several Crafts and Mysteries aforesaid may not be more strictly bound or limited, than the necessary Regard of the Welfare and general Commodity of all his Majesty's Subjects within the said Province requireth: BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That from and after the Twenty-fifth Day of *November* next, in this present Year of our Lord One Thousand Seven Hundred and Twenty-one, if any Person or Persons using, or which shall use, the Mystery or Faculty of Tanning, or any Person or Persons importing, or who shall import, any Leather into this Province, shall at any Time or Times hereafter offer or put to Sale any Kind of Leather, which shall be insufficiently and not thoroughly tanned, so that the same, by the Triers of Leather, lawfully appointed by Virtue of this present Act, for the Time being, shall be found to be insufficiently and not thoroughly tanned, that then, all and every such Person and Persons so offending shall forfeit such Leather, as shall be found insufficiently and not thoroughly tanned, unless the Party importing the same will give Security to the Triers, to be appointed by Virtue of this Act, to export the said Leather, so imported and being insufficiently tanned, without working or manufacturing, or causing the same to be wrought or manufactured, in this Province.

Leather in-
sufficiently
tanned, shall
be forfeited,
or exported
unwrought.

A Tanner
not to occupy
the Trade of
a Shoemaker
or Currier.

II. *AND* be it further enacted, That no Person or Persons, using the Mystery of tanning Leather, by him or themselves, or any other Person or Persons, from and after the Twenty-fifth Day of *November* next, in the Year of our Lord aforesaid, shall, during the Time that he or they shall use the Mystery of Tanning, occupy or use the Mystery of a Shoemaker or Currier, or any other Artificer, using or exercising the cutting or working of Leather, upon Pain to lose and forfeit all and every such Hide and Hides, Skin and Skins so by them, or any of them wrought or curried, during the Time that he or they shall use the Mystery or Craft of Tanning, or the just Value thereof.

None but
Tanners shall
buy Hides
and Skins,
except, &c.

III. *AND* be it further enacted, That no Person or Persons whatsoever, after the Twenty-fifth Day of *November* aforesaid, shall buy or make any Contract for any unwrought Hides, or Calf-skins in the Hair, but only such Person or Persons as use the Trade or Mystery of a Tanner, or shall tan or taw the same, except such Persons as shall purchase them to be tanned for their own private Use, or shall purchase salt or raw Hides for any Person's private Use, or the necessary Use of Ships or Vessels going to Sea.

IV. *AND*

IV. *AND be it further enacted*, That it shall not be lawful for any Person or Persons to lade, ship or carry, in any Ship or Vessel, entering and lading in any Port of this Province, any Leather or raw Hides, with Intent to transport or carry the same into any Place or Places out of this Province, except such as may be carried to the Province of *New-Jersey*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, to be wrought up there, and except Leather imported into this Province, upon Pain of Forfeiture of the said Leather or raw Hides, so laden or transported, and treble the Value thereof, to be forfeited by the Owner or Owners thereof: And if no Owner can be found, then the Person, in whose Custody or Possession the same shall be found, to incur the like Penalty of the treble Value as aforesaid. And the Owner or Owners of the said Ships or Vessels, knowing of such Offence, and not discovering the same, shall forfeit three Times the Value of the Leather and Hides, so shipped or exported. And the Master or Mariners, knowing of such Offence, and not discovering the same, shall forfeit treble the Value as aforesaid, or be imprisoned for any Time, at the Discretion of the Justices of the Court of Quarter Sessions, not exceeding Six Months, without Bail or Main-prize.

No Leather or raw Hides to be shipped or exported from this Province, except, &c.

V. *AND be it further enacted by the Authority aforesaid*, That from and after the Twenty-fifth Day of *November*, in the present Year of our Lord One Thousand Seven Hundred and Twenty-one, no Tanner or Tanners, Person or Persons whatsoever, within this Province, shall sell for, or take or receive of, any Person or Persons whomsoever, within this Province, above the Rate of *Nine-pence*, current Money of *America*, for a Pound of well tanned Leather, and so proportionably for a greater Quantity, on Penalty of forfeiting the said Leather, and *One Shilling* for every Pound so sold above the Rate aforesaid.

Price of well tanned Leather, &c.

VI. *AND* that no Person or Persons within this Province shall, by any Means, occupy nor put in any made Wares any curried Leather, before the same shall be searched and allowed by the Sealers or Searchers, according to the Directions of this Act, to be well and sufficiently curried; and that every Shoemaker, and other Artificer and Cutter of Leather, shall forfeit, for every Hide or Skin so used or occupied, without sealing and searching as aforesaid, the Sum of *Ten Shillings*, and the Value of such Hide or Skin so used or occupied.

No Leather to be used or worked up, before it has been searched, &c.

VII. *AND be it further enacted by the Authority aforesaid*, That no Person, occupying the Trade or Mystery of a Shoemaker, shall make or cause to be made any Boots, Shoes or Slippers for Sale, but of Leather well and truly tanned and curried, and well and sufficiently sewed with good Thread, well twisted and made, and well waxed; nor shall mingle the Over-leathers, *that is to say*, Part of the Over-leather being of Neats-leather, and Part of Calves-leather; nor shall put into any Boots, Shoes or Slippers for Sale, any Leather made of Sheep-skin, Bull-hide or Horse-hide; or into the Upper-leather of any Shoes or Slippers, or into the Inner-part of any Boots, the Inner-part of the Shoe excepted, any Part of any Hide from which the Soal-leather is cut, called *The Womb's Neck*, *Shank*, *Flank*, *Powle* or *Cheek*, upon Pain of Forfeiture of all such Shoes, Boots and Slippers, to be divided and applied in Manner directed by this Act.

Boots, &c. to be made of Leather well tanned, &c.

VIII. *AND* that no Shoemaker, or other Person, shall take or receive above the Rate of *Six Shillings* and *Six-pence* for a Pair of good well-made Mens Shoes, and *Five Shillings* for a Pair of good, plain, well-made Womens Shoes; and so proportionably for all smaller Shoes for any Person above four Years of Age, according to their several Sizes; to be set and rated by the Mayor and Aldermen of the City of *Philadelphia*, in their Quarterly Court of Record, and by the Justices of the respective Counties within this Province, in their respective General Quarter Sessions of the Peace, on Pain of forfeiting all such Shoes, as shall be sold above the Rates in this Act directed and limited, and above the several Rates, that shall from Time to Time be set and rated by the aforesaid Mayor and Aldermen, and the said Justices in their respective Courts of Quarter Sessions, in Manner before-mentioned.

Rates to be taken for Shoes.

IX. *AND be it further enacted*, That the Mayor and Aldermen of the City of *Philadelphia*, for the Time being, and the Justices of the several Courts of Quarter Sessions of the Peace for the Counties of *Philadelphia*, *Chester* and *Bucks*, upon the Penalty of *Forty Pounds*, to be recovered and employed as other Forfeitures in this Act mentioned, shall, at their next respective Courts of Quarter Sessions,

Justices to choose Sealers and Searchers of Leather.

The Duty
and Fees of
Sealers and
Searchers of
Leather.

Sessions, to be held after Publication of this Act, and afterwards once in every two Years, or oftener, if Need be, nominate and appoint one or more honest and skilful Person or Persons, of their respective Cities and Counties, who shall be Sealers, and keep a Seal, to be prepared by the Directions of the said Justices, for the Sealing of Leather: Which Sealers and Searchers shall also be sworn or affirmed before the Mayor and Aldermen aforesaid, and before the Justices of the said General Quarter Sessions of the Peace, in their respective Cities and Counties, to do their Office of Sealers and Searchers of Leather truly: Which said Sealers and Searchers shall view and search all Leather, and finding it sufficiently and thoroughly tanned and tried, shall seal the same with the said Seal; for which the said Sealer and Searcher shall receive of the Owner or Owners of such Leather, for every Dicker of Hides so searched and sealed, *One Shilling*, and for every single Half-dicker, *Eight-pence*, and for any less Number than Half a Dicker, *Two-pence per Hide*; and *Four-pence* for every Dozen of Calf-skins, by him so sealed. And that no Sealer and Searcher shall continue above two Years in his Office aforesaid at one Time. And that the said Searchers and Sealers shall, and by this Act are impowered to enter into any Tan-yard, Shop, or other House or Place whatsoever, and search for Leather tanned or occupied, and for Shoes, Boots, Slippers, Saddles and all other Wares, made for Sale, contrary to the Directions and true Intent and Meaning of this Act; and in case of Opposition or Refusal, to break open Doors and other Obstacles, and the same Leather or Wares to seize; and after Seizure, to bring the same to the Mayor of the City of *Philadelphia*, and to any of the Justices of the Counties aforesaid respectively, who shall forthwith appoint three honest and skilful Persons to be Triers, who shall openly, in some Market-place or public Place, try whether the same Leather, Boots, Shoes or other Wares, so seized, be sufficient and according to the true Intent and Meaning of this Act; which said Trial shall be made upon the Oath or Affirmation of the Triers: And if the same be found insufficient, then the said Leather, Shoes, Boots, Slippers and other Wares, shall be forfeited and appraised, and disposed of as the said Mayor and Aldermen of the City of *Philadelphia*, and Justices, at their next respective Courts of Quarter Sessions in their several Counties, shall direct. And no Person or Persons shall buy any forfeited Wares to sell again, on Pain of forfeiting three Times the Value thereof. And every Person or Persons, resisting the said Searcher or Searchers in any Part of their Duty, enjoined them by this Act, shall forfeit the Sum of *Twenty Pounds*, to be recovered and applied in the Manner and to the Uses in this Act directed.

This Act to
be given in
Evidence on
the general
Issue.

X. *AND be it further enacted by the Authority aforesaid*, That any Person or Persons, or Officer, sued for any Thing done by Virtue or in Pursuance of this Act, may plead the general Issue, and give this Act and other special Matter in Evidence: And if the Prosecutor shall be cast or become Non-suit, he shall pay treble Damages to such Person or Officer, to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Complaint or Information.

When, and
within what
Time, Lea-
ther shall be
curried.

XI. *AND be it further enacted*, That no Currier shall refuse or neglect well and sufficiently to curry Leather within six Days in Summer, and twelve Days in Winter, after he shall or may take it in Hand; nor shall curry any Hide or Skin, not sealed by the Officer appointed by this Act, on Pain to forfeit, for every Hide or Piece of Leather not curried accordingly, *Fifteen Shillings*. And that the said Searchers and Sealers, who shall travel from the Place of his or their Habitation above one Mile, to search or seal any Leather, shall be allowed and paid, by the Tanner or Owner of such Leather, *Three-pence* for each Mile. And that the said Sealers and Searchers, to be appointed by Virtue of this Act, shall, upon Request made to them, forthwith search and seal all such Leather as shall be sufficiently tanned, which shall be brought unto them respectively, or which shall be within the City of *Philadelphia*; and shall, within one Day after Request made unto them, go to any Tan-yard, or other Place, to search and seal Leather sufficiently tanned, on Pain to forfeit *Forty Shillings* for each wilful Neglect: Which Penalty, with all others mentioned in this Act, not otherwise appropriated, shall be, one Moiety to the Governor, for the Support of Government, and the other Moiety to the Person or Persons that will inform or sue for the same. And that the Recovery of all Forfeitures and Penalties under *Forty Shillings*, shall be heard and determined by the Mayor, or any one or more of the

Sealers and
Searchers
Allowance.

the Aldermen of the City of *Philadelphia*, and by one or more of the Justices of the respective Counties, out of Sessions. And that all Forfeitures and Penalties, above the Value of *Forty Shillings*, shall be recovered, in any Court of Record in this Province, by Bill, Plaint or Information, wherein no Effoin, Protection or Wager of Law, nor any more than one Imparlance, shall be allowed.

XII. *PROVIDED nevertheless*, That this Act, or any Thing therein contained, shall not extend to the prohibiting the Exportation of Boots, Shoes, Slippers, Saddles and other Wares, manufactured and made of Leather within this Province.

XIII. *PROVIDED also*, That it shall and may be lawful for any Person or Persons to export tanned Leather out of this Province, when the Price does not exceed *Eight-pence per Pound*, a Permit being first had and obtained, for which there shall be paid *One Shilling*, and no more, by the Exporter or Owner of such Leather, from the Mayor and two of the Aldermen of the City of *Philadelphia*, for the said City, and from three or more Justices of the Peace for the respective Counties of *Philadelphia*, *Chester* and *Bucks*, certifying the common Price of well tanned Leather, not to be nor to have been above *Eight-pence*, for at least one Month before the Date of such Permit; which Permit shall be granted for no longer Time than the Space of one Month; and if the same be granted for any longer Time, or in other Manner than in this Act is directed and limited, the same shall be void, and the Parties concerned in the Exportation of such Leather shall be liable to all the Penalties of this Act, as if no such Licence or Permit had ever been granted.

XIV. *AND be it further enacted by the Authority aforesaid*, That if any Butcher, or other Person, shall gash, slash or cut, any Hide of any Ox, Bull, Steer, Cow, or Calf-skin, in fleaing thereof, or otherwise, so as the same shall be impaired or hurt, and shall expose or offer the same to Sale, such Offender shall forfeit *Two Shillings* for every such Hide of Ox, Bull, Steer or Cow, and *Six-pence* for every such Calf-skin.

XV. *AND* if any Person shall offer or expose to Sale any putrified Hide or Skin, such Person shall forfeit for every such Hide, so offered to Sale, *Three Shillings*, and for every such Skin *Nine-pence*; one Half of which Forfeitures shall be paid to the Tanner or Person purchasing such Hide, and the other Half to the Overseers of the Poor of the City or County, where such Hide shall be cut, slashed, gashed or exposed to Sale.

Passed August 26, 1721.—Recorded A, Vol. II. p. 222.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1721, in the Eighth Year of GEORGE I. and continued by Adjournments to the Twenty-fifth Day of *May* following.

C A P. I.

An ACT for imposing a Duty on Persons convicted of heinous Crimes, and imported into this Province as Servants, or otherwise.

Passed May 5, 1722.—Recorded A, Vol. II. p. 226.—Repealed by 3 GEO. II. Cap. 8.

C A P. II.

An ACT for laying a Duty on Wine, Rum, Brandy and Spirits, Melasses, Cyder, Hops and Flax, imported, landed or brought, into this Province.

Passed May 12, 1722.—Recorded A, Vol. II. p. 284.—Expired.

C A P. III.

An ACT for laying a Duty on *Negroes* imported into this Province.

Passed May 12, 1722.—Recorded A, Vol. II. p. 287.—Expired.

C A P. IV.

An ACT laying an Excise or Duty on all Wine, Rum, and other Spirits, re-tailed in this Province.

Passed May 12, 1722.—Recorded A, Vol. II. p. 289.—Expired.

C A P. V.

An ACT to prevent the Exportation of Flour not merchantable.

Passed May 12, 1722.—Recorded A, Vol. II. p. 293.—Supplied.

C A P. VI.

An ACT for encouraging the making of good Beer, and for the Consumption of Grain, in this Province.

Preamble.

WHEREAS it is found by Experience, that the using of Melasses, and other Materials hereafter-mentioned, in brewing Ale and Beer, doth very much hinder the Consumption of Malt, and so the raising of Barley is thereby discouraged: Therefore may it please the Governor that it may be enacted, **AND BE IT ENACTED** by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any common Brewer, or Retailer of Beer or Ale, shall, after the First Day of *June* next, make Use of any Melasses, coarse Sugar, or Composition or Extract of Sugar, Honey, foreign Grains, *Guinea* Pepper, or any Liquor or Syrup, boiled up to the Consistency of Melasses, or any unwholesome Materials or Ingredients whatsoever, in the brewing, making or working of any Beer or Ale; or if any Brewer shall receive and take into his Brew-house any Melasses, coarse Sugar, Honey, or Composition or Extract of Sugar, every such Brewer and Retailer shall forfeit and lose, for every such Offence respectively, the Sum of *Twenty Pounds*: And every Servant of such Brewer, and every other Person who shall be aiding and assisting in the using any Melasses, Sugar, Honey, or any other of the said Materials or Ingredients, in the brewing or working of such Ale or Beer, or in carrying or conveying the same into the Brew-house belonging to such Brewer, shall also forfeit and lose, for every such Offence, the Sum of *Twenty Pounds*; and in Default of Payment thereof shall suffer Three Months Imprisonment.

Penalty on Brewers using Melasses, &c. in Beer; or taking it into their Brew-houses.

None to keep Ale houses, &c. except those that the Justices, in Sessions, approve of.

II. *AND be it further enacted by the Authority aforesaid*, That no Person or Persons whatsoever, after the said First Day of *June* next, shall be admitted or suffered to keep any common Ale-house, Inn or Tippling-house, but such as the Justices of the Peace of the respective Counties of this Province and City of *Philadelphia*, for the Time being, or the major Part of them, in the open Sessions of the Peace in the same Counties and City respectively, shall, in their Discretion, judge fit, as well by their Character of honest, civil and sober Behaviour, as the commodious Situation, and Conveniency of their Houses for such Purposes.

Persons approved of, to give Bond to the Governor.

III. *BUT* that none be so admitted or licensed before they be bound, with one or more sufficient Sureties, by Recognizance to the Governor for the Time being, in *Twenty Pounds* Penalty, with Condition, as well against using any unlawful Games, as for the using and maintaining of good Order and Rule, to be had and kept within the same: And also that they will not, directly or indirectly, sell or utter in or about their Houses, or elsewhere, any Wine, Brandy, Rum, or other distilled Liquors, mixed or unmixed: And that the principal Party which shall be so bound shall pay to the Clerk of the Court, for all Fees to him relating to the said Licence, *Five Shillings*; and to the Justices *Four Shillings*, for every such Licence or Allowance to keep such Inn or Ale-house, and no more.

Fees for Licences.

Justices Power to suppress, &c.

IV. *AND be it further enacted*, That the said Justices of Peace, within the said several Counties and City respectively, or a Quorum of them, shall have full Power, within the Limits of their Authority, to remove, discharge and suppress, common selling of Ale, Beer and Wine in Taverns, Ale-houses, Inns and Tippling-houses, and to cause all Disorders in such Houses to be punished by the

Direction

Direction of this Act, and hear and determine the same, by all such Ways and Means as by Law is usual in such Cases.

V. AND where the Keeper of any Inns or Ale-houses brew their own Beer or Ale, a Clause shall be added to the Condition of their Recognizance, That they will not make Use of any Melasses; or other Materials or Ingredients, hereby forbidden to be used, in brewing, making or working any of their Beer or Ale. Innkeepers, who brew, not to put Melasses, &c. in their Beer.

VI. AND that from and after the said First Day of *June* next, all common Brewers shall, in the open Sessions of the Peace, within the City or County where they respectively follow their Trades, become bound to the Governor for the Time being, with one or more sufficient Sureties, by Recognizance, in *One Hundred Pounds* Penalty, with Condition, That they will well and faithfully observe and obey all that is required of them by this Act: For every which Recognizance the Party shall pay *Two Shillings and Six-pence*, and no more. Brewers shall enter into Recognizance.

VII. AND the said Justices shall cause all the said Recognizances, and also the other Recognizances to be given by the Direction of this Act, to be entered of Record, in the respective Courts where the same are so taken as aforesaid, there safely to be kept and remain. And if the Justices or their Clerks fail therein, he or they so offending shall forfeit and pay, for every Recognizance taken and not entered of Record, as this Act requires, the Sum of *Five Pounds*, any other Act or Law of this Province to the contrary hereof in any wise notwithstanding. Recognizances to be entered of Record.

VIII. *PROVIDED always*, That nothing herein contained shall debar or hinder the Justices of the said City and Counties to recommend such as live in fit Places, and as they shall deem fit Persons to keep Taverns for selling Wines, Brandy, Rum, and other Spirits, by Retail; but that all such Persons so recommended, may be licensed to keep such Taverns as heretofore hath been used, upon their paying the Fees formerly allowed for such Recommendations and Licences, and becoming bound, with one or more sufficient Sureties, by Recognizances to the Governor for the Time being, in *One Hundred Pounds*, with Condition, as well against using of unlawful Games, as for the using and maintaining of good Order and Rule, to be had and kept within the same. Justices may recommend fit Persons to be licensed.

IX. *AND be it further enacted*, That *Charles Read*, of *Philadelphia*, Merchant, shall be and is hereby appointed the Officer to put this Act in Execution, and to sue for and recover the Penalties or Forfeitures arising for not observing of this Act: Which Forfeitures, when recovered, shall be equally divided between the Governor and the said Officer. Officer appointed, &c.

X. AND as the true Design of this Act is, amongst other Things, to encourage the raising of Wheat and Barley for the Brewing Trade, so it is expected that Brewers may take special Care to bring their Beer and Ale to the Goodness and Perfection, which the same was formerly brought to, that so the Reputation which then was obtained, and is since lost, may be retrieved, *Be it further enacted by the Authority aforesaid*, That the Justices of the Peace of the respective Counties, and the Mayor, Recorder and Aldermen, of the City of *Philadelphia*, when they set Prices upon Beer and Ale, pursuant to a Law of this Province, shall allow higher Prices than common to be taken for such Beer and Ale as, by the Judgment of Persons skilled therein, shall exceed in Quality and Goodness, any Law or Ordinance to the contrary notwithstanding. Prices of Beer and Ale, to be settled by the Justices.

XI. BUT to prevent the ill Designs of Brewers, Retailers, Victuallers and Butchers, who combine to advance the Prices of the Grain and Provisions they respectively buy, beyond a due Proportion to the Rates they give, *Be it enacted by the Authority aforesaid*, That all the Laws and Statutes of that Part of *Great-Britain*, called *England*, shall be put in Execution against all such Combinations and evil Practices; so that such Offenders shall be brought to the like Punishments, and incur the same Penalties, as those Laws and Statutes direct and appoint for Offenders in like Cases. Statutes of Great-Britain to be put in Execution here.

Passed May 12, 1722.—Recorded A, Vol. II. p. 294.

C A P. VII.

A Supplementary ACT to the Act for the more effectual raising of County Rates and Levies.

Passed May 12, 1722.—Recorded A, Vol. II. p. 296.—Repealed.

C A P. VIII.

An ACT for establishing Courts of Judicature in this Province.

Preamble.

WHEREAS the late King CHARLES the Second, by his Royal Charter and Grant to WILLIAM PENN, Esq; of that Tract of Land, called *Pennsylvania*, and for erecting the same into a Province, did, for himself, his Heirs and Successors, grant free, full and absolute, Power to the said WILLIAM PENN, and his Heirs, and to his and their Deputies and Lieutenants, for the good and happy Government of the said Country, by and with the Advice, Assent and Approbation, of the Freemen of the said Country, or of the greater Part of them, or of their Delegates or Deputies, in Assembly, when and as often as Need should require, to ordain, make and enact, any Laws whatsoever, for the public State, Peace and Safety of the said Country, or unto the private Utility of particular Persons, unto their best Discretion; and likewise, to do all and every Thing and Things which unto the compleat Establishment of Justice, unto Courts and Tribunals, Forms of Judicature, and Manner of Proceedings do belong. And, by Judges, by the said WILLIAM PENN, his Heirs, their Deputies and Lieutenants, appointed, to award Process, hold Pleas, and determine in all the said Courts and Tribunals all Actions, Suits and Causes whatsoever, as well criminal as civil, personal, real and mixed: *Provided* the said Laws so made and published be consonant to Reason, and not repugnant or contrary, but, as near as convenient may be, agreeable to the Laws, Statutes and Rights of the Kingdom of *England*; saving and reserving to the said King CHARLES, his Heirs and Successors, the receiving, hearing and determining of the Appeal and Appeals of all or any Person or Persons, touching any Judgment to be there made or given.

Court of
Quarter Ses-
sions to be
held in each
County four
Times a
Year.

II. AND whereas, by Virtue and in Pursuance of the said Grant, divers Acts and Ordinances have been made, from Time to Time, for the holding of Courts, and the Administration of Justice within this Province, which, by the Increase of Inhabitants, and Change of Circumstances of the Country, seem necessary to be altered and amended, BE IT THEREFORE ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That there shall be a Court, stiled *The General Quarter Sessions of the Peace and Goal Delivery*, holden and kept four Times in every Year in each County of this Province, viz. At *Philadelphia*, for the County of *Philadelphia*, on the first Second Day of the Week, called *Monday*, in the Months called *March*, *June*, *September* and *December*: At *Bristol*, for the County of *Bucks*, on the eleventh Day following (inclusive) in every of the same Months: And at *Chester*, for the County of *Chester*, on the last Third Day of the Week, called *Tuesday*, in the Months called *May*, *August*, *November* and *February*.

The Govern-
nor to com-
missionate
Justices,
who are to
hold the said
Courts;

III. AND that there shall be a competent Number of Justices in every of the said Counties, nominated and authorised by the Governor or Lieutenant-Governor for the Time being, by Commission, under the Broad Seal of this Province; which said Justices, or any three of them, shall and may hold the said General Sessions of the Peace and Goal Delivery according to Law, and as fully and effectually as any Justice of the Peace, Justices of the Assize, Justices of Oyer and Terminer, or of Goal Delivery, may or can do.

and private
Sessions; and
have Power
to take Re-
cognizances
out of Ses-
sions, which
shall be cer-
tified into
the next
Quarter Ses-
sions.

IV. *AND be it further enacted*, That the said Justices of the Peace, or any three of them may, pursuant to their said Commissions, hold special and private Sessions, when and as often as Occasion shall require; and that the said Justices, and every of them, shall have full Power and Authority, in or out of Sessions, to take all Manner of Recognizances and Obligations, as any Justices of the Peace of *Great-Britain* may, can, or usually do; all which said Recognizances and Obligations shall be made to the King and his Successors. And all Recognizances for the Peace, Behaviour, or for Appearance, which shall be taken by any of the said Justices out of Sessions, shall be certified into their said General Sessions of the Peace, to be holden next after the taking thereof: And every Recognizance, taken before any of them, for Suspicions of any Manner of Felony, or other

Crime,

Crime, not triable in the said Court of Quarter Sessions of the Peace and Goal Delivery, shall be certified before the said Justices of the Supreme Court of Oyer and Terminer, at their next succeeding Court, to be holden next after the taking thereof, without Concealment, detaining or imbezzling of the same. But in case any Person or Persons shall forfeit his or their Recognizances of the Peace, Behaviour or Appearance, for any Cause whatsoever, then the said Recognizance so forfeited, with the Record of the Default, or Cause of Forfeiture, shall be sent and certified without Delay, by the Justices of the Peace, into the said Supreme Court, as the Case may require, that thence Process may issue against the said Parties, according to Law. All which Forfeitures shall be levied by the proper Officers, and go to the Governor for Support of Government.

V. *AND be it further enacted*, That all Fines and Amerciaments, which shall be laid before the Justices of the said Courts of General Quarter Sessions of the Peace and Goal Delivery, shall be taxed, assessed, and set duly and truly, according to the Quality of the Offence, without Partiality or Affection, and shall be yearly estreated by the Clerks of the said Courts respectively into the said Supreme Court, to the Intent that Process may be awarded to the Sheriff of every County, as the Case may require, for levying such of their Fines and Amerciaments as shall be unpaid, to the Uses for which they are or shall be appropriated.

All Fines to be assessed in the Sessions, and yearly estreated in the Supreme Court.

VI. *PROVIDED always*, That the said Courts of the General Quarter Sessions of the Peace may be kept and continued for the Space of Three Days in the County of *Philadelphia*, at any of the Times herein before appointed to hold and keep the same Courts and Sessions there; and for the Space of Two Days in either of the said Counties of *Bucks* and *Chester* respectively, at any of the said Times herein before appointed to hold and keep the said Courts and Sessions there, in Manner aforesaid.

Quarter Sessions how long to continue.

VII. *PROVIDED also*; That nothing herein contained shall deprive or abridge the Mayor, Recorder and Aldermen, of the City of *Philadelphia*, of any Powers, Privileges, Jurisdictions or Franchises, granted them by Charter, or the Laws of this Province.

This Act not to abridge the Powers of the Corporation.

VIII. *AND to the End* that Persons indicted or out-lawed for Felonies, or other Offences, in one County or Town Corporate, who dwell, remove or be received into another County or Town Corporate, may be brought to Justice, *Be it further enacted*, That the said Justices, or any of them, shall and may direct their Writs or Precepts to all or any the Sheriffs or other Officers of the said Counties or Towns Corporate within this Province, where Need shall be, to take such Persons indicted or out-lawed. And that it shall and may be lawful to and for the said Justices, and every of them, to issue forth *Subpœnas*, and other Warrants, under their respective Hands and Seal of the County, into any County or Place of this Province, for summoning or bringing any Person or Persons to give Evidence in and upon any Matter or Cause whatsoever, now or hereafter examinable, or in any ways triable by or before them, or any of them, under such Pains and Penalties as *Subpœnas*, or Warrants of that Kind, usually are or ought by Law to be granted or awarded.

Writs of *Capias*, *Subpœnas*, &c. granted in one County to operate in another.

IX. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall find him or themselves aggrieved with the Judgment of any of the said Courts of General Quarter Sessions of the Peace and Goal Delivery, or any other Courts of Record within this Province, it shall and may be lawful to and for the Party or Parties so aggrieved, to have his or their Writ or Writs of Error; which shall be granted them of Course, in Manner as other Writs of Error are to be granted, and made returnable to the said Supreme Court of this Province.

Persons aggrieved, &c. may have their Writs of Error returnable to the Supreme Court.

X. *PROVIDED always*, That when any Writ of Error shall be granted upon any Judgment given or to be given for the said City of *Philadelphia*, the Mayor, Recorder and Aldermen, of the said City of *Philadelphia*, and their Successors, or any of them, shall not be compelled upon any of the said Writs, or any other Writ or Writs directed to them, or any of them, to remove, send or certify into the said Supreme Court, or elsewhere, any of the Indictments or Presentments taken or to be taken before them, or the Record of the Judgments and Proceedings upon any such Indictments or Presentments, but only the Tenors or Transcripts of the said Records under their common Seal. And after such Judgments are reversed or affirmed, or Causes lawfully removed from the said City

Of Proceedings at the City Sessions, only the Tenor, &c. to be certified into the Supreme Court.

Courts are tried in the said Supreme Courts, it shall and may be lawful for the Mayor, Recorder and Aldermen, and their Successors, to proceed to Execution or otherwise, as shall appertain according to Law.

The Supreme Court of Pennsylvania to be held at Philadelphia.

Justices to be commissioned;

who shall issue Remedial Writs, &c.

7 GEO. III. Cap. 3. Sect. 1. Issues joined in the said Court shall be tried in the proper County.

7 GEO. III. Cap. 13. Sect. 1. The Power of the Justices, &c.

Saving the Right of Appeal to Britain.

XI. *AND be it further enacted by the Authority aforesaid*, That there shall be holden and kept at *Philadelphia* a Court of Record twice in every Year; *That is to say*, on the Twenty-fourth Day of *September*, and the Tenth Day of *April*, if the same Days, or either, do not happen to be the First Day of the Week, and in such Case the said Court shall be held on the next Day following; which said Court shall be called and stiled *The Supreme Court of Pennsylvania*. And that there shall be Three Persons of known Integrity and Ability, commissioned by the Governor, or his Lieutenant for the Time being, by several distinct Patents or Commissions, under the Great Seal of this Province, to be Judges of the said Court; one of whom shall be distinguished in his Commission by the Name of *Chief Justice*. And every of the said Justices shall have full Power and Authority, by Virtue of this Act, when and as often as there may be Occasion, to issue forth Writs of *Habeas Corpus*, *Certiorari*, and *Writs of Error*, and all Remedial and other Writs and Process, returnable to the said Court, and grantable by the said Judges by Virtue of their Office, in Pursuance of the Powers and Authorities hereby given them.

XII. *PROVIDED always*, That upon any Issue joined in the said Supreme Court, such Issue shall be tried in the County from whence the Cause was removed, before the Judges aforesaid, or any two of them, who are hereby empowered and required, if Occasion require, to go the Circuit twice in every Year, into the respective Counties of *Chester* and *Bucks*, to try such Issues in Fact as shall be depending in the said Supreme Court, and removed out of either of the Counties aforesaid; *That is to say*, in the County of *Bucks* on the Fourteenth Day of *April*, and the Twenty-eighth Day of *September*; and in the County of *Chester*, on the Eighteenth Day of *April*, and the Second Day of *October*, in every Year; when and where they may try all Issues, joined or to be joined, in the same Supreme Court, and to do generally all those Things that shall be necessary for the Trial of any Issue, as fully as Justices of *Nisi Prius* in *England* may or can do.

XIII. *AND* that the said Judges, or any two of them, shall have full Power to hold the said Court, and therein to hear and determine all Causes, Matters and Things, cognizable in the said Court, and also to hear and determine all and all Manner of Pleas, Complaints and Causes, which shall be removed or brought there from the respective General Quarter Sessions of the Peace and Courts of Common Pleas, to be held for the respective Counties of *Philadelphia*, *Chester* and *Bucks*, as also for the City of *Philadelphia*, or from any other Court of this Province, by Virtue of any of the said Writs: And to examine and correct all and all Manner of Errors of the Justices and Magistrates of this Province, in their Judgments, Process and Proceedings in the said Courts, as well in all Pleas of the Crown, as in all Pleas real, personal and mixed; and thereupon to reverse or affirm the said Judgments, as the Law doth or shall direct: And also to examine, correct and punish the Contempts, Omissions and Neglects, Favours, Corruptions and Defaults, of all or any of the Justices of the Peace, Sheriffs, Coroners, Clerks and other Officers, within the said respective Counties. And also shall award Process for levying, as well of such Fines, Forfeitures and Amerciaments, as shall be estreated into the said Supreme Court, as of the Fines, Forfeitures and Amerciaments, which shall be lost, taxed and set there, and not paid to the Uses they are or shall be appropriated. And generally shall minister Justice to all Persons, and exercise the Jurisdictions and Powers hereby granted concerning all and singular the Premises according to Law, as fully and amply, to all Intents and Purposes whatsoever, as the Justices of the Court of King's Bench, Common Pleas and Exchequer at *Westminster*, or any of them, may or can do. Saving to all and every Person and Persons, his, her or their Heirs, Executors and Administrators, their Right of Appeal from the final Sentence, Judgment or Decree of any Court within this Province, to His Majesty in Council, or to such Court or Courts, Judge or Judges, as by our Sovereign Lord the King, his Heirs or Successors, shall be appointed in *Britain*, to receive, hear and judge of Appeals from His Majesty's Plantations.

XIV. *PROVIDED*, The Person appealing shall, upon entering his Appeal in the Court where the Sentence, Judgment or Decree, shall be given in this Province,

Province, pay all the Costs before that Time expended in the Prosecution, or defending the said Suit: And shall further enter into Bond, with two good and sufficient Securities, in the Sum of *Three Hundred Pounds*, to the Defendant in the Appeal, conditioned to prosecute the said Appeal with Effect, within the Space of Eighteen Months after the Entry of such Appeal, and to satisfy the Judgment of the Court from which he appeals: And further, to pay all such Costs and Damages as shall be adjudged to him to pay, in case a Sentence, Judgment or Decree, pass against the said Appellant, or in case he, she or they fail to prosecute their Appeal with Effect.

The Appellant shall give Bond in *Three Hundred Pounds*, &c.

XV. AND that there shall be a fit Person nominated by the Judges, and commissioned by the Governor, to be Prothonotary or Clerk of the said Supreme Court, who shall keep and duly attend his Office at some convenient Place in the City of *Philadelphia*, and may be suspended, punished or removed by the said Court, for Misdemeanors in his Office.

Governor to commissionate the Prothonotary of the Supreme Court.

XVI. AND be it further enacted, That all the said Writs shall be granted of Course, and made in the Name and Stile of the King, his Heirs and Successors, and shall bear Test in the Name of the Chief Justice for the Time being: But if he be Plaintiff or Defendant, in the Name of one of the other Justices, and shall be sealed with the judicial Seal of the said Court, and made returnable to the next Court after the Date of such Writs.

How the Writs shall be granted and bear Test.

XVII. PROVIDED always, That none of the Judges of the said Supreme or Provincial Court shall sit judicially in any of the said Courts of Common Pleas, Quarter Sessions, or any other inferior Court in this Province.

No Provincial Judge to sit in the inferior Courts.

XVIII. AND be it further enacted by the Authority aforesaid, That the said Judges of the Supreme Court shall have Power, and are hereby authorized and impowered, from Time to Time, to deliver the Goals of all Persons which now are or hereafter shall be committed for Treasons, Murders, and such other Crimes as, by the Laws of this Province, now are or hereafter shall be made Capital or Felonies of Death as aforesaid: And for that End from Time to Time to issue forth such necessary Precepts and Process, and force Obedience thereto, as Justices of Assize, Justices of Oyer and Terminer, and of Goal Delivery, may or can do in the Realm of *Great-Britain*.

The said Judges to deliver the Goals of Prisoners for Treasons, Murders, &c.

XIX. AND also, That all Manner of Offences already made and declared, or hereafter to be made or declared to be Capital or Felonies of Death, by any Law or Act of Assembly of this Province, and done, perpetrated or committed, or hereafter to be done, perpetrated or committed, by any Person or Persons within the Bounds and Limits of the same Province, and without the certain and known Bounds and Limits of any of the Counties now or hereafter erected in the said Province, shall be from henceforth enquired of, heard and determined, before the said Judges, by good and lawful Men of the City and County of *Philadelphia*, in like Manner and Form, to all Intents and Purposes, as if the said Offences and Felonies of Death had been done, perpetrated and committed, within the said City or County of *Philadelphia*.

Felonies, committed in the Out-Parts of the Province, to be tried in *Philadelphia*.

XX. PROVIDED always, That the Fees due to the Judges and Officers of the said Court, for hearing and determining any of the said capital Offences for any Thing done there, shall be double the Fees usually taken in the General Quarter Sessions held in any of the said Counties in this Province, any Thing herein, or in any other Law, to the contrary notwithstanding.

Fees in the Supreme Court.

XXI. AND be it further enacted by the Authority aforesaid, That a competent Number of Persons shall be commissioned by the Governor or his Lieutenant, under the Broad Seal of this Province, who shall hold and keep a Court of Record in every County, which shall be stiled and called *The County Court of Common Pleas*, and shall be holden Four Times in every Year, at the Places where the General Quarter Sessions shall be respectively kept, viz. At *Philadelphia*, for the County and City of *Philadelphia*, on the Day called the First *Wednesday* after the Day appointed for the Quarter Sessions to begin on there, in the Months called *March*, *June*, *September* and *December*: At *Bristol*, for the County of *Bucks*, on the Eleventh Day following, inclusive: And at *Chester*, for the County of *Chester*, on the Day called the last *Tuesday* in the Months called *May*, *August*, *November* and *February*. Which said Justices, or any three of them, according to the Tenor and Direction of their Commissions, shall hold Pleas of Assizes, *Scire Facias*,

County Court to be held Four Times a Year.

cias, Replevins, and hear and determine all and all Manner of Pleas, Actions, Suits and Causes, civil, personal, real and mixed, according to the Laws and Constitutions of this Province.

Justices of
the said
Court to
grant Replevins, &c.

XXII. *AND be it further enacted by the Authority aforesaid*, That every of the said Justices shall and are hereby impowered to grant, under the Seal of the respective Counties, Replevins, Writs of Partition, Writs of View, and all other Writs and Processes, upon the said Pleas and Actions, cognizable in the said respective Courts, as Occasion may require.

And issue
Subpœnas for
Evidence
into any
County.

XXIII. *AND be it further enacted*, That the said Justices of the said respective Courts shall and are hereby impowered to issue forth *Subpœnas*, under their respective Hands and Seal of the Counties, into any County or Place of this Province, for summoning or bringing any Person or Persons to give Evidence in or upon the Trial of any Matter or Cause whatsoever, depending before them, or any of them, under such Pains and Penalties as, by the Rules of the common Law, and Course and Practice of the King's Courts at *Westminster*, are usually appointed.

An *alias* Execution to be granted, directed to the Sheriff of another County.

XXIV. *AND be it further enacted*, That upon any Judgment obtained in any of the said Courts of this Province, and Execution returned by the Sheriff or Coroner of the proper County, where such Judgment was obtained, that the Party is not to be found, or hath no Lands or Tenements, Goods or Chattels, in that County, and thereupon it is testified, that the Party sculks, or lies hid, or hath Lands, Tenements, Goods or Chattels, in another County of this Province, it shall and may be lawful to and for the Court that issued out such Execution, to grant, and they are hereby required to grant an *alias* Execution, with a *Testatum*, directed to the Sheriff or Coroner of the County or Place, where such Person lies hid, or where his Lands or Effects are, commanding him to execute the same according to the Tenor of such Writ or Writs, and make Return thereof to the Court of Common Pleas where such Recovery is had or Judgment given. And if the Sheriff or Coroner, to whom such Writ or Writs shall be directed, shall refuse or neglect to execute and return the same accordingly, he shall be amerced in the County where he ought to return it, and be liable to the Action of the Party grieved: And the said Amerciaments shall be truly and duly set, according to the Quality of the Offence, and estreated by the Prothonotaries of the respective Courts of Common Pleas of this Province into the next succeeding Supreme or Provincial Court in Course, that thence Process may issue out against the Offenders for levying of such Fines and Amerciaments as shall be unpaid, to the Uses for which they are or shall be appropriated.

The Defendant may have a special Court, in case of sudden Departure:

XXV. *AND be it further enacted by the Authority aforesaid*, That if any Defendant or Defendants in any Suit or Action, by Reason of his or their sudden Departure out of this Province, shall require a more speedy Determination in such Action or Suit, than can be obtained by the common or ordinary Rules of Proceedings in any of the said Courts of Common Pleas in this Province, the said Justices, upon Application to them made, shall grant to such Defendant or Defendants special Courts, and shall proceed to hear and determine the Premises, according to the Course and Practice of the said Courts of Common Pleas, and for the usual Fees therein taken.

But shall give Bail to the Plaintiff's Action.

XXVI. *PROVIDED always*, That before the said Justices shall grant such special Court, or proceed to hear and determine the Premises, the Defendant shall give Bail to the Plaintiff's Action by Recognizance, according to the Course and Practice of the said Court of Common Pleas.

Process on Writs of Enquiry regulated.

XXVII. *AND* to prevent the excessive Charges that have of late arisen upon executing Writs of Enquiry of Damages, *Be it enacted*, That the Justices who give any Interlocutory Judgment shall, at the Motion of the Plaintiff, or his Attorney in the Action where such Judgment is given, make an Order, in the Nature of a Writ of Enquiry, to charge the Jury attending at the same or next Court, after such Judgment is given, to enquire of the Damages and Costs sustained by the Plaintiff in such Action; which Enquiry shall be made, and Evidence given in open Court; and after the Inquest consider thereof, they shall forthwith return their Inquisition under their Hands and Seals; whereupon the Court may proceed to Judgment, as upon Inquisitions of that Kind returned by the Sheriff.

XXVIII. *AND*

XXVIII. *AND be it further enacted by the Authority aforesaid, That there* Attornies may be admitted;
 may be a competent Number of Persons of an honest Disposition, and learned in the Law, admitted by the Justices of the said respective Courts, to practice as Attornies there; who shall behave themselves justly and faithfully in their Practice: And if they misbehave themselves therein, they shall suffer such Penalties and Suf- how punished for Misbehaviour.
 pensions, as Attornies at Law in *Great-Britain* are liable to in such Cases; by which Attornies Actions may be entered, and Writs, Procefs, Declarations and other Pleadings and Records, in all such Actions and Suits, as they shall respectively be concerned to prosecute or defend from Time to Time, may be drawn, and with their Names and proper Hands signed: Which said Attornies so admitted may practice in all the Courts of this Province, without any further or other Licence or Admittance: And that the Attorney for the Plaintiff in every Action shall file his Warrant of Attorney in the Prothonotary's Office the same Court he declares: And the Attorney for the Defendant shall file his Warrant of Attorney the same Court he appears: And if they neglect so to do, they shall have no Fee allowed them in the Bill of Costs, nor be suffered to speak in the Cause, until they file their Warrants respectively. Attornies to file their Warrants of Attorney.

Passed May 22, 1722.—Recorded A, Vol. II. p. 297.

C A P. IX.

An A C T to prohibit the felling of Rum, and other strong Liquors, to the *Indians*, and to prevent Abuses that may happen thereby.

W H E R E A S the peaceable, wise and prudent Measures, which the late Preamble.
 Honourable WILLIAM PENN, Esq; our most worthy Proprietor, took with the native *Indians*, at his first coming into and settling of this Province, has been, under GOD, the happy Foundation and Ground-work of the Tranquility and perfect good Understanding, hitherto preserved between the *English* Inhabitants of this Colony and their native *Indians*. And whereas the Misunderstandings and fatal Breaches which have lately happened in some of the neighbouring Colonies, between the *English* and the adjacent *Indian* Nations, are well known to have proceeded from the Irregularities and Abuses committed by those who travel into the Woods, in order to trade promiscuously with the *Indians* as they return from Hunting; whereby they have Opportunity, first, to debauch the Natives with great Quantities of Rum and strong Spirits, and then cheat them of their Peltry: For the Prevention of which evil and wicked Practices for the future, BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Person whatsoever, otherwise than is herein after declared, shall sell, barter or give, to any *Indian* or *Indians*, or to any other Person for their Use, nor by any Means directly or indirectly furnish, or cause to be furnished, any *Indian* or *Indians* with any Rum, Wine, or other strong Liquors, mixed or unmixed, under the Penalty of *Twenty Pounds* for each Offence, one Half to the Governor for the Support of Government, and the other Half to the Informer, or such Person or Persons as will sue for the same; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Effoin, Protection or Wager of Law, shall be allowed to the Defendant. Penalty on selling Rum, &c. to Indians.

II. *AND be it further enacted by the Authority aforesaid, That in case any* And on carrying above the Quantity of one Gallon thereof beyond the Inhabitants.
 Rum, or other Spirits, above the Quantity of one Gallon, be carried amongst the *Indians* at their Towns, or beyond the Christian Inhabitants, the Person carrying the same, or he in whose Possession the same shall be found, shall forfeit and pay the Sum of *Twenty Pounds*, to the Uses aforesaid, to be recovered in Manner aforesaid.

III. *PROVIDED* always, That the Governor and Council, or Persons by them authorized and appointed to hold Treaties with any Nation of *Indians*, may, at such Treaties, give any reasonable Quantity of Rum, as by them shall be thought necessary, any Thing herein contained to the contrary notwithstanding. At Treaties, Rum may be given to the Indians.

Penalty on
trading with
the *Indians*
without Li-
cence and
Bond, &c.

IV. *AND be it further enacted*, That no Person or Persons whatsoever, after the First Day of *August* next, under the Penalty of *Twenty Pounds*, to be recovered in Manner and for the Uses aforesaid, shall trade or traffick with any *Indian* for any Commodity whatsoever, but at their own Dwelling-houses and Places of Residence with their Families, within some settled Township of this Province, without being first recommended to the Governor for his Licence, by the Justices of the County Courts of Quarter Sessions where he resides, or the next Quarter Sessions within this Province to the Place of such Residence: And that no Person shall be so licensed without first giving Bond in the said Quarter Sessions, with one or more substantial Freeholders of the same County, to be bound with them in the Sum of *One Hundred Pounds*, conditioned, that he will duly observe the Laws of this Province for regulating the Trade with the *Indians*: Which Recommendations and Licences shall be renewed annually, in the Manner before directed; and shall further, by his Oath or Affirmation, oblige himself, that he will not, directly or indirectly, sell or dispose of any Rum or other Spirits, mixed or unmixed, to any *Indian* whatsoever. For which Licence he shall pay the Sum of *Thirty Shillings*, and no more.

Reward to
the Informer.

V. *AND be it further enacted by the Authority aforesaid*, That if any Person, convicted for any Offence committed against this Act, have not Goods and Chattels sufficient to pay the Fine or Forfeiture, in which he shall be condemned, the Justices or Judges before whom such Conviction is had shall, at the Request of the Informer or Prosecutor, grant to him a Certificate of the Time and Place of such Conviction, and of such Person being the Informer or Prosecutor; which Certificate shall be directed to the Provincial Treasurer, upon Sight whereof the said Treasurer shall and is hereby required to pay to such Person, his Executors, Administrators or Assigns, the Sum of *Five Pounds*. And the Person convicted, for Want of Estate to pay the Fine and Cost of his Prosecution, shall be committed to the public Goal of the County, or House of Correction, there to continue at hard Labour for the Space of Six Months, without Bail or Main-prize.

Quantity of
Liquors al-
lowed to be
given to an
Indian in
Twelve
Hours.

VI. *PROVIDED always*, That nothing herein contained shall be deemed or taken to prevent any Inhabitant of this Province from giving unto any *Indian*, at his Dwelling-house or Habitation, any Quantity of Rum, or other Spirits, not exceeding One Sixteenth Part of a Quart at one Time, and that not oftener than once in Twelve Hours.

Magistrates
may send for
and examine
suspicious
Persons, and
reprimand
them.

Proceedings
on a second
Suspicion.

VII. *AND because the good Intent of this Act shall not be frustrated by the secret and clandestine Practices of Persons for the Sake of private Advantage, Be it further enacted by the Authority aforesaid*, That from and after the First Day of *August* next it shall and may be lawful for the Mayor or Recorder of the City of *Philadelphia*, or any two Justices of the Peace of this Province, as often as they shall think fit, to send for any Person or Persons whatsoever, whom they shall suspect to offend against this Act, and severely to reprimand such Person or Persons for having given any Cause, by their Conduct or Behaviour with and towards any *Indians*, for such Suspicion: But if the said Mayor or Recorder, or any two Justices of the Peace, shall again suspect the same Parties a second Time for having offended against the Intent or Tenor of this Act, then it shall and may be lawful for the said Mayor and Recorder, or any two Justices of the Peace, to administer to such Person or Persons so suspected an Oath or Affirmation, that he hath not, directly nor indirectly, by himself, nor any other for him, after the said First Day of *August*, given, sold, or otherwise disposed of any Rum, Spirits, Wine, or other strong Liquors, mixed or unmixed, to any *Indian* or *Indians*, or to any other Person or Persons whatsoever, for them or any of them, contrary to the true Intent and Meaning of this Act: And every such Person or Persons, so suspected as aforesaid, not appearing upon Summons duly served, or appearing and refusing to take the aforesaid Oath or Affirmation, shall forfeit the Sum of *Thirty-nine Shillings*, or undergo Imprisonment for the Space of Three Months: The Forfeiture to be divided and disposed of in Manner aforesaid.

No Forfeit-
ure to be
inflicted un-
til serving of
Summons be
proved.

VIII. *PROVIDED always*, That no Forfeiture or Imprisonment shall be levied or inflicted upon any Person whatsoever in this Behalf, for not appearing upon Summons duly made, until an Oath or Affirmation be made, of the due Service of the said Summons upon the suspected Person or Persons, before the said Mayor, Recorder or Justices aforesaid; who are hereby impowered to administer
such

such Oath or Affirmation to the Constable or Officer who hath served the same, any Thing before to the contrary thereof in any wise notwithstanding.

IX. *PROVIDED also*, That any Person or Persons being convicted for any Matter or Thing done or committed against this Act, such Conviction may be pleaded in Bar to any other Suit or Prosecution, to be brought or prosecuted for Breach of any other Law of this Province made and provided against the same Offenders. Conviction upon this Act may be pleaded in Bar, &c.

Passed May 22, 1722.—Recorded A, Vol. II. p. 302.

C A P. X.

An ACT for encouraging the raising of Hemp within this Province.

Passed May 22, 1722.—Recorded A, Vol. II. p. 304.—Obsolete.

C A P. XI.

An ACT for settling a Ferry at *Solebury*, in *Bucks* County, over *Delaware* to *New-Jersey*.

Passed May 22, 1722.—Recorded A, Vol. II. p. 305.—Expired.

C A P. XII.

An ACT to erect and establish a Ferry on the Lands of *Thomas Yardly*, of *Makefield* Township, in *Bucks* County.

Passed May 22, 1722.—Recorded A, Vol. II. p. 306.—Expired.

C A P. XIII.

An ACT for regulating the gauging of Cask in this Province.

WHEREAS great Abuses are daily committed in the Trade of this Province, by importing Wine, Rum, and other liquid Merchandizes, in disproportionable Cask, which have been usually gauged by the Diagonal, which is known not to be an exact Rule to find the Contents of a disproportionable Cask; and the Persons selling such Commodities commonly refusing to submit to any other Method or Rule of Gauging, the Purchaser is thereby imposed upon, and often suffers great Loss in Want of just Measure: For the Redress of which Abuse for the future within this Province, BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Merchant, or other Person whatsoever, shall utter, sell or put to Sale, any Butt, Tun, Pipe, Hogshead, Barrel, Rundlet, or other Cask of Rum, Wine, Melasses, or other liquid Merchandize, imported into any Port or Place within this Province, before the Gaugers hereafter mentioned, or their Deputies, shall have first plainly and truly set down or marked, upon the Head of such Vessel, the Capacity and full Contents of the same, according to the Standard and Excise of Wine Measure by the Gallon, such Person or Persons shall forfeit, for the Uses directed in this Act, the Sum of *Ten Pounds*, for every Cask so uttered, sold or put to Sale. Preamble.

II. AND further, If any Merchant or other Person shall utter, sell or put to Sale, any Rum, Wine, Melasses, or other liquid Merchandizes as aforesaid, within any Port or Place of this Province, in any Cask or Vessel, having the Number of Gallons set down and marked on the Head of such Vessel, and the same shall be found to lack of the Contents marked on the said Vessel, such Person shall forfeit and pay, to the Uses directed in this Act, the Sum of *Ten Shillings* for every Gallon marked or numbered on the said Cask more than it will truly contain. No Person to sell Liquors before gauged by the Gaugers, under Penalty, &c.

III. AND to the End that all Persons, dealing in such Merchandize, may the more easily and readily be informed and assisted in the discovering the true Quantity of such liquid Merchandize, so imported as aforesaid, *Be it enacted*, That *Nathaniel Griffiths*, and *Benjamin Morgan*, of *Philadelphia*, shall be and are hereby appointed Gaugers of all the Wine, Rum, Melasses and other liquid Merchandize, imported into this Province for Sale. Which said Gaugers, before they enter upon their Office, shall take an Oath or Affirmation, well and truly to execute the Office of Gaugers within this Province between Buyer and Seller; and are hereby empowered, by themselves or their proper Deputies or Assistants, to

gauged

Forfeiture on Liquors lacking the Quantity sold for.
Gaugers Names, and how to be qualified.

guage all Rum, Wine, Melasses or other liquid Merchandize, imported in any Butt, Tun, Pipe, Hoghead, Barrel, Rundlet or other Cask, into any Port or Place of this Province, when they the said Gaugers, or either of them, shall be thereunto required.

Gaugers to mark the Cask with the Contents, and enter it in a Book.

Fee for a Copy, and for gauging.

Penalty on false Gauging.

How the Penalties shall be appropriated and recovered.

IV. AND that they shall mark or set down the true Number of Gallons, according to the *English* Standard and Excise of Wine Measure, which each Cask or Vessel will truly contain, with their own Mark: All which Casks, with their true Marks and Numbers, and Owners Names, shall be entered in a Book or Books, to be kept for that Purpose by the said Gaugers, or their proper Deputies, to which Recourse may be had, as Occasion may require; for a Copy of which Entry, they shall receive *Four-pence*; and for each Cask, so by them gauged and marked, they shall receive the Sum of *Four-pence*, and no more.

V. AND if any Cask or other Vessel, gauged and marked by the said Gaugers, or their lawful Deputies, shall be found lacking one or more Gallons of the Quantity numbered or marked on the said Cask or Vessel, the aforesaid Gaugers shall forfeit *Ten Shillings* for each Gallon, lacking or exceeding the Number or Mark so set down on each Cask.

VI. AND be it further enacted, That all and every the Penalties and Forfeitures in and by this Act set and appointed shall be, one Half to the Governor, for the Support of Government, and the other Half to the Informer, or him or them that will sue for the same; if under *Forty Shillings*, to be recovered as Debts under *Forty Shillings* are usually recovered; and if above *Forty Shillings*, to be sued for and recovered by Bill, Plaint or Information, in any Court of Record within this Province, wherein no *Essoin*, Protection or Wager of Law, shall be allowed for the Defendant.

Passed May 22, 1722.—Recorded A, Vol. II. p. 307.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1722, in the Ninth Year of GEORGE I. and continued by Adjournments to the Eleventh Day of *May* following.

C A P. I.

An ACT for the emitting and making current *Fifteen Thousand Pounds*, in Bills of Credit.

Passed March 2, 1722-3.—Recorded A, Vol. II. p. 228.—Obsolete.

C A P. II.

An ACT for reducing the Interest of Money from *Eight* to *Six per Cent. per Annum*.

Six per Cent. to be lawful Interest of Money, &c.

BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Person shall, directly nor indirectly, for any Bonds or Contracts to be made after the Publication of this Act, take for the Loan or Use of Money, or any other Commodities, above the Value of *Six Pounds* for the Forbearance of *One Hundred Pounds*, or the Value thereof, for one Year, and so proportionably for a greater or lesser Sum, any Law, Custom or Usage, to the contrary notwithstanding.

II. AND be it further enacted, That if any Person or Persons whatsoever, do or shall, after the Publication of this Act, receive or take more than *Six Pounds per Cent. per Annum*, on any such Bond or Contract as aforesaid, upon Conviction

Conviction thereof, the Person or Persons so offending shall forfeit the Money and other Things lent; one Half thereof to the Governor, for the Support of Government, and the other Half to the Person who shall sue for the same, by Action of Debt, Bill, Plaint or Information, in any Court of Record within this Province, wherein no Essoin, Protection or Wager of Law, or any more than one Imparlance, shall be allowed.

Passed March 2, 1722-3.—Recorded A, Vol. II. p. 236.

C A P. III.

An ACT to rectify Proceedings upon Attachments.

WHEREAS in the Execution of a Law of this Province, intituled, *An Act about Attachments*, divers Irregularities and fraudulent Practices have happened, to the Injury of such Creditors as were willing to accept of an equal Share of their Debtors Effects, in Proportion to their Demands, and not have them wasted in needless Prosecutions, contrary to the true Design of the said Act: Therefore, to prevent such Practice for the future, may it please the Governor that it may be enacted, AND BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That from henceforth no Writ or Writs of Attachment shall issue forth or be granted, before the Person or Persons requesting the same, or some other credible Person or Persons for him or them, shall, upon Oath or Affirmation, declare, That the Defendant in such Attachment is indebted to the Plaintiff therein named in the Sum of *Forty Shillings*, or more; and that the Defendant is and has been absconded from the Place of his usual Abode for the Space of Six Days, with Design to defraud his Creditors, as is believed; and that the Defendant has not left a clear real Estate in Fee-simple within this Province, sufficient to pay his Debts, so far as such Plaintiff or Deponent knows or believes. Which Oath or Affirmation the Officer that grants such Writs is hereby empowered and required to administer, and to file the same in the Court to which the said Attachment is returnable: And if any Attachments be granted or issued out otherwise, or contrary to the true Intent and Meaning hereof, the Officer or Person so granting the same shall, for every such Offence, forfeit the Sum of *Five Pounds*; the one Half for the Use of him or her that will sue for the same, the other Half to the Governor, for the Support of Government.

II. *AND be it further enacted by the Authority aforesaid*, That all Writs of Attachments to be issued out as aforesaid shall be directed to, and served by, the Sheriff or Coroner of the proper County; who shall attach all the Lands, Goods, Chattels and Effects, whereof the Defendants, in every of the said Writs named, were possessed or reputed Owners at the Time of their absconding, in whose Hands soever the same can be found: And that all the said Chattels and Effects, attached by Virtue of such Writs, shall forthwith be appraised, inventoryed and secured, by the Officer who executes the Writs, in such Hands as he shall answer for.

III. *AND* if any of the Defendant's Money, or other Effects, happen to be garnished in other Hands, the same shall also be attached, and the Garnishees obliged to appear and answer at the Return of such Writs, and be proceeded against in such Manner as by the above-cited Act is directed.

IV. *PROVIDED always*, That no second or other Attachment shall, under the Penalty aforesaid, be issued against or served upon the Estate or Effects of the same Defendant, unless the first Attachment be not executed, or happens to be dissolved by the Court.

V. *AND be it further enacted by the Authority aforesaid*, That as soon as the Justices of that Court, where the said Writs of Attachments are returnable, accept the Officer's Return thereof, they are hereby empowered and required to nominate and appoint three honest and discreet Men, to audit the Accounts of all the Defendant's Creditors, and to adjust the Demands not only of the Plaintiffs in those Attachments, but of all the rest of the Defendant's Creditors, and settle their Shares or Proportions of the Defendant's whole Estate, real and personal, and make true Report of their Proceedings therein to the Justices of the Court,

Persons taking more than Six per Cent. forfeit the Money or Things lent.

4 ANNE, Cap. 28.

Writs of Attachment when to be issued.

Writs of Attachment to be served by the Sheriff or Coroner.

Chattels and Effects to be forthwith appraised, &c.

Defendant's Effects garnished, shall also be attached.

No second Attachment to issue out.

Justices to appoint Men to audit Accounts, and adjust Demands.

Court, next after such Appointment; which Justices are hereby impowered and required to allow reasonable Fees to the said Auditors, out of the Goods or Effects attached as aforesaid, as a Reward for their Trouble.

Auditors to examine upon Interrogatories, &c.

VI. AND for the better Discovery of the fraudulent Practices of the said Defendants, it shall be lawful for the Auditors, so as aforesaid to be appointed, or the major Part of them, to examine such Persons as they shall think fit, upon Interrogatories or otherwise, on Oath or Affirmation, which they are hereby impowered to administer, touching the Lands, Tenements, Goods, Chattels or Effects of the said Defendants, and such other Things as may tend to disclose their Estates, or their secret Grants, and alienating of their Effects. And that the said Auditors may, by Warrants under their Hands and Seals, cause to be broke open any Houses, Chambers, Shops, Ware-houses, Doors, Trunks or Chests of the said Defendants, where their Goods or Effects shall be, or reputed to be, and seize the same for the Use of their Creditors.

Auditors to make Sale of the Defendant's Lands, &c.

VII. AND be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Auditors, or a Majority of them, to make Sale and Assurance of all the Lands and Tenements, Goods and Chattels, belonging to such Defendants, or otherwise to order the same for Satisfaction of their Creditors, rateably, according to the Quantity of their respective Debts; and that every Direction, Bargain, Sale or Assignment, done by the said Auditors concerning the Premises, pursuant to this Act, shall be good and effectual in Law against the said Debtors, their Heirs, Executors and Assigns. And that it shall and may be lawful for a Majority of the said Auditors to grant and assign, or otherwise to order or dispose of all or any of the Debts due, or to be due, to and for the Benefit of the said Defendants, to the Use of their Creditors. And that the same Grant, Assignment or Disposition of the said Debts so to be made, shall vest the Property, Right and Interest thereof in the Person or Persons of him, her or them, to whom it shall be so granted, assigned or ordered by the Auditors; so that such Assignees may sue for and recover the said Debts in their own Names, and detain the same to their own Use. And that after such Grant, Assignment or Disposition, made of the said Debts, neither the said Defendants nor any other to whom such Debts shall be due, shall have Power to recover the same, nor to make any Release or Discharge thereof.

And dispose of Debts due to the Defendants.

To give 30 Days Notice before Sale of Effects.

VIII. PROVIDED always, That the Persons nominated as Auditors shall give public Notice, Thirty Days before the Sale or Disposition of such Goods or Effects as aforesaid, by a public Advertisement in the *Weekly Mercury*, or affixed on the Doors of the respective Court-houses of this Province.

Any Lands conveyed or assured with Power of Redemption may be sold by them, &c.

IX. AND if the said Defendants have heretofore granted, conveyed or assured, or shall at any Time hereafter grant, convey or assure, any Lands, Tenements, Hereditaments, Goods, Chattels or other Estate, unto any Person or Persons, upon Condition or Power of Redemption at a Day to come, by Payment of Money, or otherwise, that it shall and may be lawful to and for the said Auditors, or a Majority of them, before the Time of Performance of such Condition, to assign and appoint, under their Hands and Seals, such Person or Persons as they shall think fit, to make Tender or Payment of Money, or other Performance, according to the Nature of such Condition, as fully as the said Defendants ought to have done. And that the said Auditors shall, after such Tender, Payment or Performance, have Power to sell and dispose of such Lands and other Estate, so assured upon Condition, to and for the Benefit of the Creditors as aforesaid.

Overplus of Effects to be returned.

X. PROVIDED always, That the Overplus of the said Debtors Estates, if any be, after all their Debts and lawful Charges are deducted, shall be returned to such Debtors, their Executors or Administrators, any Thing herein contained to the contrary notwithstanding.

12 WILL. III. since repealed.

XI. PROVIDED also, That nothing in this Act contained shall be deemed to repeal or disannul any Thing in the Law, intituled, *An Act about Attachments under Forty Shillings*, any Thing herein to the contrary notwithstanding.

Any Persons Goods, not Inhabitants, may be attached.

XII. PROVIDED always, That nothing in this Act contained shall be construed, deemed or taken, to exempt the Goods or Effects of any Person or Persons, not Inhabitants of this Province, from being attached according to the Directions of an Act of General Assembly of this Province, made in the Fourth Year

of

of the late Queen ANNE, intituled, *An Act about Attachments*, any Thing in this, or any other Act contained, to the contrary hereof in any wise notwithstanding.

Passed March 2, 1722-3.—Recorded A, Vol. II. p. 236.

C A P. IV.

An ACT for respiting Executions upon certain Judgments of Courts in this Province.

Passed March 2, 1722-3.—Recorded A, Vol. II. p. 239.—Obsolete.

C A P. V.

An ACT for vesting the Lands and Lots, commonly called *The Lands of the Free Society of Traders*, in *Pennsylvania*, in Trustees, to be sold, for the Payment of such Sums of Money as were paid into the public Stock of the said Society for purchasing the said Lands and Lots, and carrying on the Trade designed by the said Society.

Passed March 2, 1722-3.—Recorded A, Vol. II. p. 253.

C A P. VI.

An ACT directing the Process of Summons against Freeholders.

Passed March 30, 1723.—Recorded A, Vol. II. p. 240.—Repealed in Council, July 5, 1726.

C A P. VII.

A Supplementary ACT to the Act, intituled, *An Act for emitting and making current Fifteen Thousand Pounds, in Bills of Credit*.

Passed March 30, 1723.—Recorded A, Vol. II. p. 241.—Obsolete.

C A P. VIII.

An additional ACT to the Act, intituled, *An Act for laying an Excise or Duty on all Wine, Rum and other Spirits, retailed in this Province*.

Passed March 30, 1723.—Recorded A, Vol. II. p. 242.—Expired.

C A P. IX.

An ACT for the Encouragement of Trade.

Passed March 30, 1723.—Recorded A, Vol. II. p. 243.—Obsolete.

C A P. X.

An ACT for regulating and establishing Fees.

Passed March 30, 1723.—Recorded A, Vol. II. p. 245.—Repealed by 26 GEO. II. Cap. 1.

C A P. XI.

A Supplementary ACT to an Act, intituled, *An Act to prevent the Exportation of Flour not merchantable*.

Passed March 30, 1723.—Recorded A, Vol. II. p. 250.—Supplied by 7 GEO. II. Cap. 2.

C A P. XII.

A SUPPLEMENT to the Act, intituled, *An Act for the making good Beer, &c.*

WHEREAS by an Act of this Province, made in the Eighth Year of the Preamble. Reign of King GEORGE, intituled, *An Act for the making good Beer, and for the Consumption of Grain in this Province*, prohibiting the Use of Melasses, coarse Sugar, or Composition or Extract of Sugar, Honey, foreign Grains, Guinea Pepper, or any Liquor boiled up to the Consistency of Melasses, &c. in the brewing, making or working of any Beer or Ale. And forasmuch as the good Design and Intent of the said Act is or may be frustrated and eluded by the Brewer, or his Servant, secretly and clandestinely aiding or assisting in the using of Melasses, &c. as aforesaid, in the Manner aforesaid: For Prevention thereof, BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That every such Brewer by himself, Servant, or other Person concerned in the brewing Strong Beer or Ale for Sale, before they are admitted or licensed, shall be qualified by Oath or Affirmation according to Law, That he or she will not, directly

An Oath or Affirmation to be taken by Brewers, not to use Melasses, &c. in brewing Beer.

directly or indirectly, to his or her Knowledge, Privity or Consent, use any of the said Ingredients in the making, brewing or working of such Ale or Beer, or put any therein, either before or after the brewing thereof, under the Pains and Forfeitures mentioned in the said recited Act: Which said Qualification shall be taken by all Persons who shall brew Strong Ale or Beer for Sale, in the open Sessions of the Peace, within the City or County where they respectively follow their Trades, under the Penalty of *Five Pounds*: And the Justices of the said Sessions shall cause the same to be entered of Record, according to the Direction, and under the Penalties of the before recited Act.

Collector of the Excise to take their Bonds and Securities.

II. *AND be it further enacted by the Authority aforesaid*, That the Collector of the Excise for the Time being shall take the Bonds and other Securities, to be given by the said Brewers in this and the said recited Act, for the Uses in the said recited Act mentioned, and demand for the same such reasonable Allowance, as in the said recited Act is appointed, any Thing in this, or in the said recited Act to the contrary hereof in any wise notwithstanding.

Passed March 30, 1723.—Recorded A, Vol. II. p. 251.

C A P. XIII.

An ACT for establishing a Ferry over the River *Schuylkill*, at the End of the High-street of *Philadelphia*.

Mayor and Commonalty to erect a Ferry at the End of High-street.

FOR the greater Conveniency of the Inhabitants on the West Side of the River *Schuylkill*, travelling to and from the City of *Philadelphia*, BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Mayor and Commonalty of the said City of *Philadelphia* may and shall, at their own proper Cost and Charge, within Eighteen Months after the Publication of this Act, make or cause to be made a sufficient Causeway and Landing at the End of the said High-street of *Philadelphia*, on both Sides of the said River, and shall keep and maintain the same in good Repair, fit for Footmen, Horses and Carts to pass and repass, and also provide and maintain a good substantial Ferry-boat or Boats, and capable Ferry-men, who shall reside and dwell on the West Side of *Schuylkill* River, and duly and constantly attend the same as Occasion may require.

II. *AND for the Support of the said Ferry, Be it further enacted by the Authority aforesaid*, That the said Mayor and Commonalty, and their Successors, by their Deputies or Officers, to be appointed for that Purpose, shall receive and take for Ferriage over the said River, of all Persons, the Proprietor and Governor, and their Attendants, only excepted, the several following Rates, and no more, *That is to say*,

The Rates of Ferriage.

For each Person, *One Penny*.

For each Horse, loaded or unloaded, *One Penny*.

For a Coach or Chariot, *One Shilling*.

For a Chaise of Four Wheels, *Six-pence*.

For a Chaise of Two Wheels, *Four-pence*.

For a Cart or Waggon, with their Loading, *One Shilling*. And without Loading, *Six-pence*.

For a Sled, loaded or unloaded, *One Penny*. Besides the aforesaid Rates for each Horse belonging to, and Person accompanying such Coach, Chariot, Chaise, Cart, Waggon or Sled.

For every Cow, or other neat Cattle, boated or swam, *Three Half-pence*.

For every live Sheep, *One Half-penny*.

And for every live Hog or Swine, *One Penny*.

None to keep a Ferry between Roach's and Blunston's

III. *AND for the better Encouragement of the said Ferry, Be it further enacted by the Authority aforesaid*, That no Person or Persons whatsoever shall keep or use any Boat or Canoe for transporting any Person or Persons, Creatures or Carriages, for Hire or Pay, over the said River, in any other Place between those Ferries now called Roach's and Blunston's Ferries, on the said River, besides the Ferry hereby established, under the Penalty and Forfeiture of *Twenty Pounds*, lawful Money of this

this Government, for each Offence, to be recovered in any Court of Record of this Province, one Half thereof to the Use of the Informer or Prosecutor, who shall sue for the same, and the other Half to the Use of the Mayor and Commonalty of the said City, wherein no more than one Imparance shall be allowed.

IV. *PROVIDED nevertheless*, That nothing herein contained shall be deemed or adjudged to annul or make void any Contract, made between the said Corporation and any Person or Persons whatsoever, in Relation to the said Ferry, but that the said Contract is hereby declared as good and effectual to all Intents and Purposes, as before the enacting of this Law.

Passed March 30, 1723.—Recorded A, Vol. II. p. 252.

C A P. XIV.

An ACT for the better and more effectual putting in Execution an Act of Assembly of this Province, intituled, *An Act for the emitting and making current Fifteen Thousand Pounds, in Bills of Credit.*

Passed May 11, 1723.—Recorded A, Vol. II. p. 275.—Obsolete.

At the COURT at *Kensington*, the Fifth Day of *July*, 1726.

P R E S E N T,

The KING's most Excellent MAJESTY.

Lord Archbishop of *Canterbury*,
Lord Chancellor,
Lord Archbishop of *York*,
Lord President,
Lord Privy Seal,
Lord Steward,
Duke of *Queensberry*,

Earl of *Sunderland*,
Earl of *Ilay*,
Lord Viscount *Townshend*,
Lord Bishop of *London*,
Lieutenant-General of the
Ordinance,
Henry Pelham, Esquire.

WHEREAS his Majesty was pleased, upon the Thirty-first of *May* last, to refer unto the Consideration of the Lords of the Committee of the Privy-Council, an Act, passed in *Pennsylvania* the Thirtieth of *March*, 1723, together with a Representation thereupon from the Lords Commissioners for Trade and Plantations, proposing the Repeal of the said Act, intituled as follows, viz. *An Act directing the Process of Summons against Freeholders*; and the Lords of the Committee having reported as their Opinion to his Majesty, that the said Act ought to be repealed, His Majesty in Council this Day took the same into Consideration, and, pursuant to the Powers reserved to his Majesty in the Charter of Propriety granted to WILLIAM PENN, Esq; is pleased to declare his Disallowance of the said Act, and, according to his Majesty's Pleasure thereupon expressed, the said Act is hereby repealed, declared void and of none Effect; whereof the Deputy-Governor, Council and Assembly, of the said Province, and all others whom it may concern, are to take Notice, and govern themselves accordingly.

TEMPLE STANNAN.

Recorded A, Vol. II. p. 325.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1723, in the Tenth Year of GEORGE I. and continued by Adjournments to the Ninth Day of *May* following.

C A P. I.

An ACT for the emitting and making current *Thirty Thousand Pounds*, in Bills of Credit.

Passed December 12, 1723.—Recorded A, Vol. II. p. 259.—Obsolete.

C A P. II.

An ACT laying an Excise on all Wine, Rum, Brandy and other Spirits, retailed in this Province.

Passed December 12, 1723.—Recorded A, Vol. II. p. 270.—Supplied.

C A P. III.

An ACT for continuing and establishing a Ferry over *Neshaminy* Creek, on the King's High-road from *Philadelphia* to *Bristol*, in the County of *Bucks*.

Passed May 9, 1724.—Recorded A, Vol. II. p. 276.—Expired.

C A P. IV.

An ACT to enable Trustees to sell the old Court-House and Prison, belonging to the Borough and County of *Chester*.

Passed May 9, 1724.—Recorded A, Vol. II. p. 277.—Obsolete.

C A P. V.

An ACT to improve the Breed of Horses, and regulate Rangers.

Preamble.

WHEREAS the Multitude of small-sized Stone-horses, running at large in the Woods, has very much degenerated the Breed of good Horses, and is found very detrimental to the Inhabitants of this Province, it is thought necessary that some suitable Remedy be provided in that Behalf: We therefore pray that it may be enacted, AND BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That from and after the Publication of this Act, no Stone-horse of above Eighteen Months old shall be suffered to run at large within this Province, unless such Horse be of a comely Proportion, and, by the Judgment of the Taker-up, and one other Freeholder in the Neighbourhood where he is taken up, shall be full thirteen Hands high, from the Ground to the Withers, reckoning four Inches Standard Measure to one Hand.

The Size of Stone-horses that are suffered to run in the Woods.

Penalty on suffering Horses of lesser Size to run in the Woods.

II. AND in case any Stone-horse, otherwise than is above described, shall be found loose and at large in the Woods, it shall and may be lawful for any Freeholder to take up and secure such Horse or Horses, in order to have them cut or gelt by a skilful Gelder, on the Risque of the Owner, or cause him or them to be detained until the Owner or Owners of such Horses (having speedy and convenient Notice thereof) shall geld or cut, or cause them to be gelt or cut; for which taking up and gelding the Owner or Owners of such Horse or Horses shall pay to the Person so taking up, securing and gelding; the Sum of *Ten Shillings*, to be recovered in like Manner before any Justice of the Peace as a Debt under *Forty Shillings*.

III. PRO-

III. *PROVIDED* always, That no Person shall be intitled to the said Proviso. Sum of *Ten Shillings*, unless Proof be made by one or more credible Witnesses, that the Horse so gelt was seen well one Month after the Time of gelding.

IV. *AND* be it enacted by the Authority aforesaid, That if any Stone-horse or Horses shall be found at large, above the Age aforesaid, and under Such Horse to be viewed, &c. Fourteen Hands high, it shall and may be lawful for any Freeholder to take up such Horse or Horses, and with the Assistance of two other sufficient Freeholders of the Neighbourhood where such Horse is taken up, to view the said Horse or Horses, and if they shall judge such Horse or Horses not of comely Proportion, or fit to run at large, according to the Intent and Meaning of this Act, then it shall be lawful for the said Freeholders to order the same to be gelt by such a Person as is above directed. And all Persons whatsoever that are or shall be Owner or Owners of such Horse or Horses, so judged and gelded, shall pay the like Sum as above allowed, to be recovered in the same Manner as is by this Act directed, any Law, Usage or Custom, to the contrary in any wise notwithstanding.

V. *AND* be it enacted by the Authority aforesaid, That if any Horse or Colt shall be taken and gelt, according to the Direction of this Act, and no If no Owner can be found, to be sold. Owner can be found in the Space of Twelve Months, that then and in such Case it shall and may be lawful for such Person or Persons, with the Advice and Consent of any two Justices of the Peace of the County to which they respectively belong, to sell the same by public Vendue, for the most that can be got; and all and every such Person and Persons are hereby required to pay all the Monies arising by such Sales, after the Deduction of all incident Charges allowed by this Act, into the Hands of the County Treasurer for the Time being, for the Use of the County.

VI. *AND* be it further enacted by the Authority aforesaid, That no Person, by Colour of Commission, or as common Ranger, shall be allowed to range in the Woods or Forests after Horses or Mares, without Licence first obtained from the County Court where he lives, under the Penalty of suffering as a Horse-stealer, for every Horse or Mare that such unlicensed Person shall take up, brand, mark or dispose of. No Person to range the Woods without Licence.

VII. *AND* forasmuch as it will be absolutely necessary for one or more Persons, in the respective Counties of this Province, to be licensed as Rangers in and for each County, who are hereby impowered and required to take up and secure all Horses and Mares for which no Owner can be found, and all such Horses and Mares, after they have been posted in three or more public Places within every County of this Province, at least one Year, to sell and dispose of in such Manner as is before by this Act directed; which said Licence the Justices, at their General Quarter-Sessions of the Peace for the said respective Counties, are hereby impowered and required to grant, and make such Allowances to the said Rangers for taking up and securing the Horses and Mares aforesaid, as they shall think fit. Justices at the Quarter Sessions to pay and satisfy the Ranger.

VIII. *AND* be it further enacted by the Authority aforesaid, That in case any Person or Persons shall at any Time be sued for any Thing they do by Virtue of this Act, they may plead the general Issue, and give this Act in Evidence. Issue.

Passed May 9, 1724.—Recorded A, Vol. II. p. 278.

C A P. VI.

An ACT for the better enabling *John Crato*, Merchant, *Caspar Wistar*, and *Nicholas Gateau*, to trade, and to buy and hold Lands in this Province.

Passed May 9, 1724.—Recorded A, Vol. II. p. 279.

C A P. VII.

An ACT prescribing the Forms of Declaration of Fidelity, Abjuration and Affirmation, instead of the Forms heretofore required in such Cases.

WHEREAS divers Statutes having been made, concerning the Affirmations Preamble. or Declarations allowed instead of Oaths to the People called Quakers, but the Inconveniencies to them and others (requiring their Testimony and Service in many Cases) not being sufficiently avoided, by Reason of Difficulties which happened relating to the Forms of the Declaration, Affirmation and Abjuration, prescribed

prescribed by the said Statutes, it pleased the King and Parliament of *Great-Britain*, by another Statute, made in the Eighth Year of the King's Reign, to grant further Ease and Relief in that Behalf, by enacting other Forms of Affirmation or Declaration for the said People. Now forasmuch as the Legislature of *Great-Britain*, upon Five-and-twenty Years Experience, were pleased to acknowledge in the said Statute of the Eighth of King GEORGE, that the said People called Quakers had given Testimony of their Fidelity and Affection to his Majesty, and the Settlement of the Crown in the Protestant Line, and had not abused the Liberty and Indulgence allowed them by Law; and since the like Testimony may be given concerning the said People inhabiting this Province, and that those that conscientiously scruple the Forms of the Affirmation or Declaration heretofore used, are Persons of like Probity and Justice with those who were not under that Scruple, and should be obliged to bear the Burthen of Government, and serve their Country as well as their Neighbours, it would be reasonable to put them in a Capacity so to do; may it therefore please the Governor that it may be enacted, AND BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That in all Cases where by Law any of the said People called Quakers are or shall be required or permitted to make and subscribe the Declaration of Fidelity, in the Form prescribed by the Statute made in the First Year of the late King WILLIAM and Queen MARY, intituled, *An Act exempting their Majesties Protestant Subjects, dissenting from the Church of England, from the Penalties of certain Laws*; or in the Form prescribed by any Law of this Province; or to make the solemn Affirmation or Declaration in the Form prescribed by a Statute, made in the Seventh and Eighth Years of the said late King WILLIAM, intituled, *An Act that the solemn Affirmation and Declaration of the People called Quakers shall be accepted instead of an Oath in the usual Form*; or in the Form prescribed by any Law of this Province; or to take the Effect of the Abjuration Oath, in the Form prescribed by a Statute made in the First Year of the present King's Reign; every such Quaker shall, instead of such first-mentioned Declaration of Fidelity, make and subscribe a Declaration of Fidelity, in the following Words, *viz.*

The Quakers
Form of De-
claration of
Fidelity.

I A. B. do solemnly and sincerely promise and declare, That I will be true and faithful to King GEORGE; and do solemnly, sincerely and truly profess, testify and declare, that I do from my Heart abhor, detest and renounce, as impious and heretical, that wicked Doctrine and Position, that Princes, excommunicated or deprived by the Pope, or any Authority of the See of Rome, may be deposed or murdered by their Subjects, or any other whatsoever: And I do declare, that no foreign Prince, Person, Prelate, State or Potentate hath, or ought to have, any Power, Jurisdiction, Superiority, Prebeminence or Authority, ecclesiastical or spiritual, within the Realm of Great-Britain, or the Dominions thereunto belonging.

II. AND instead of the solemn Affirmation or Declaration, in the Form prescribed by the said Act of the Seventh and Eighth Years of the Reign of the late King WILLIAM the Third, and by a Law of this Province, made in the First Year of King GEORGE, every such Quaker shall make the following solemn Declaration or Affirmation, to be administered by a Question put as followeth, *viz.*

Of Affirma-
tion.

DO ST thou A. B. solemnly, sincerely and truly, declare and affirm?

Adding the proper Words; which the Affirmant is to answer or assent unto, according as the Case or Occasion may require; which said Assent shall be expressed by the Affirmant's answering *Yea* or *Yes*.

III. AND instead of the Form prescribed by the said Act of the First Year of the present King's Reign, for the Effect of the Abjuration Oath, every such Quaker shall take the Effect thereof in the following Words, *viz.*

I A. B. do solemnly, sincerely and truly acknowledge, profess, testify and declare, that King GEORGE is lawful and rightful King of the Realm of Great-Britain, and of all other his Dominions and Countries thereunto belonging; and I do solemnly
and

and sincerely declare, That I do believe the Person, pretending to be the Prince of WALES, during the Life of the late King JAMES, and since his Decease pretending to be and taking upon himself the Stile and Title of King of England, by the Name of JAMES the Third, or of Scotland, by the Name of JAMES the Eighth, or the Stile and Title of King of Great-Britain, hath not any Right or Title whatsoever to the Crown of the Realm of Great-Britain, nor any other the Dominions thereunto belonging; and I do renounce and refuse any Allegiance or Obedience to him. And I do solemnly promise, that I will be true and faithful and bear true Allegiance to King GEORGE, and to him will be faithful against all traiterous Conspiracies and Attempts whatsoever, which shall be made against his Person, Crown and Dignity: And I will do my best Endeavour to disclose and make known to King GEORGE, and his Successors, all Treasons and traiterous Conspiracies, which I shall know to be made against him, or any of them. And I will be true and faithful to the Succession of the Crown, against him the said JAMES, and all other Persons whatsoever, as the same is and stands settled by an Act, intituled, An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown to the late Queen ANNE, and the Heirs of her Body, being Protestants; and as the same by one other Act, intituled, An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject, is and stands settled and entailed after the Decease of the said late Queen, and for Default of Issue of the said late Queen, to the late Princess SOPHIA, Electress and Dutches Dowager of Hanover, and the Heirs of her Body, being Protestants. And all these Things I do plainly and sincerely acknowledge, promise and declare, according to these express Words, by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Evasion, mental Evasion, or secret Reservation whatsoever. And I do make this Recognition, Acknowledgment, Renunciation and Promise, heartily, willingly and truly.

Of Recognition, for the Effect of the Abjuration Oath.

IV. AND all Persons authorised and required to administer or tender either the said former Declaration of Fidelity, or the said former solemn Affirmation or Declaration, or the former Effect of the Abjuration Oath aforesaid, shall be and are hereby authorised and required to administer and tender the same respectively to the said People called Quakers, in the Words by this Act respectively appointed.

The said Forms to be allowed to Quakers by all Persons.

V. AND be it further enacted by the Authority aforesaid, That the Declaration of Fidelity, and the Effect of the Abjuration Oath, appointed by this Act for the said People called Quakers, instead of the respective Forms prescribed for the same by the above-mentioned Acts, shall respectively be adjudged and taken to be of such and the same Force and Effect, and no other, to all Intents and Purposes, in all Courts of Justice and elsewhere, as if such Quaker had made and subscribed the Declaration of Fidelity, or had taken the Effect of the Abjuration Oath, in the respective Forms appointed by the said recited Acts.

VI. AND that the Affirmation or Declaration, by this Act appointed to be made, instead of the Affirmation or Declaration in Form prescribed by the said Act of the Seventh and Eighth Years of the Reign of the late King WILLIAM the Third, and instead of the Form prescribed by the said Law of this Province, made in the First Year of the present King's Reign, shall be made by the said People called Quakers, as Occasion may require, whether it be for giving Evidence, or for qualifying the Affirmants to serve in General Assemblies, or to be Justices, Officers, Inquests or Jurymen, or for any other Matter, Cause or Thing whatsoever, wherein Oaths are or shall be required: And that the said Affirmation or Declaration, by this Act prescribed, shall be judged and taken, and is hereby enacted and declared to be of the same Force, and as available in Law, to all Intents and Purposes, as an Oath, in all Courts of Justice, and other Places where by Law an Oath is required.

And on all Occasions.

VII. AND if any Person making such Affirmation or Declaration, as is appointed by this Act to be made, instead of the Affirmation in the Form prescribed by the aforesaid Act of the Seventh and Eighth Years of the Reign of the late King WILLIAM the Third, and instead of the Form prescribed by our said Law, made in the First Year of King GEORGE's Reign, shall be lawfully convicted of wilful, false and corrupt affirming or declaring any Matter or Thing, which, if sworn in the common or usual Form, would have amounted to wilful and corrupt Perjury, every such Person, so offending, shall incur and suffer such and the same

Persons corruptly affirming, to suffer as Perjurors.

Pains, Penalties and Forfeitures, as are inflicted or enacted by the Laws and Statutes of *England* against Persons, convicted of wilful and corrupt Perjury.

VIII. *PROVIDED* always, That nothing herein contained shall be deemed to repeal or disannul the Law of this Province, passed in the Fourth Year of the King's Reign that now is, intituled, *An Act for the Advancement of Justice, and more certain Administration thereof*, except such Part thereof concerning which other Provision is made by this Act.

IX. *PROVIDED* also, That this present Act shall not be put in Execution until the King's Pleasure be known concerning the same.

X. *NEVERTHELESS* it is hereby enacted and declared, That the said Statute, made in the Eighth Year of the present King's Reign, intituled, *An Act for granting the People called Quakers such Forms of Affirmation or Declaration, as may remove the Difficulties which many of them lie under*, shall be duly observed and put in Execution in this Province, and be of like Force and Effect as it is in *England*, and as if the same were here repeated and enacted.

Passed May 9, 1724.—Recorded A, Vol. II. p. 281.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1724, in the Eleventh Year of GEORGE I. and continued by Adjournments to the Twenty-first Day of *August* following.

C A P. I.

An ACT to prevent the Exportation of Bread and Flour not merchantable.

Passed March 20, 1724-5.—Recorded A, Vol. II. p. 380.—Repealed by 7 GEO. II. Cap. 2.

C A P. II.

An ACT to enable *Jeremiah Langborne, William Biles, Joseph Kirkbride, jun. Thomas Watson*, Practitioner in Physick, and *Abraham Chapman*, to build a new Court-House and Prison in the County of *Bucks*.

Preamble.

WHEREAS it hath been represented to this House, That the Courts of General Quarter Sessions of the Peace, and Common Pleas, for the County of *Bucks*, have of late been held at the Borough of *Bristol*, in the said County, and that a great Number of the Inhabitants are settled many Miles back from that Place, which makes their Attendance at Courts very inconvenient and burthensome to the People living so remote, and that the Township of *Newtown* is near the Center of the inhabited Part of the said County, and if a Court-house and Prison were erected in the said Township, it would be very commodious, and much for the Ease of the Inhabitants of the said County in general; may it therefore please the Governor that it may be enacted, AND BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That it shall and may be lawful to and for the said *Jeremiah Langborne, William Biles, Joseph Kirkbride, Thomas Watson*, and *Abraham Chapman*, or any three of them, to purchase, and take Assurance, to them and their Heirs, of a Piece of Land, situate in some convenient Place in the said Township of *Newtown*, in Trust and for the Use of the said County; and thereon to erect and build, or cause to be erected and built, a Court-house and Prison, sufficient to accommodate the public Service of the said County, and for the Ease and Convenience of the Inhabitants.

Persons appointed to buy Land to build the Court-House, &c.

II. AND

II. *AND be it enacted by the Authority aforesaid*, That for the defraying the Charge of purchasing the Land, building and erecting the Court-house and Prison aforesaid, it shall and may be lawful to and for the Commissioners and Assessors of the said County, or a Majority of them, who are hereby required to assess and levy so much Money as the said Trustees, or any three of them, shall judge necessary for purchasing the Land, and finishing the said Court-house and Prison. *Provided always*, the Sum of Money so raised do not exceed *Three Hundred Pounds*, current Money of this Province. Commissioners and Assessors to levy Money for the same. Not exceeding 300 l.

III. *AND be it further enacted by the Authority aforesaid*, That when the said Court-house shall be erected as aforesaid, that from thenceforth the several Courts of General Quarter Sessions of the Peace, and Goal Delivery, and the Courts of Common Pleas for the said County, shall be holden and kept at the said Court-house, when the same is built and erected in the Township of *Newtown* as aforesaid, and the Election of Representatives to serve in General Assembly, Assessors, and all other Officers of the said County, who are or shall be appointed to be annually elected, or otherwise, shall be made and elected at the said Court-house, any Law, Custom or Usage, to the contrary in any wise notwithstanding. The Courts to be kept, and Elections to be made, at the said Court-house.

Passed March 20, 1724-5.—Recorded A, Vol. II. p. 310.

C A P. III.

An ACT for raising of County Rates and Levies.

WHEREAS by the Help and Directions of a Law of this Province, passed in the Fourth Year of his present Majesty's Reign, intituled, *An Act for the more effectual raising of County Rates and Levies*, the Method of those Assessments is brought to a competent Certainty and Regulation; but inasmuch as by a Supplementary Act, passed in the Eighth Year of this Reign, the Number of Commissioners appointed by the first Act was reduced, and the Manner of their Choice and Succession settled, it is now thought convenient that both those Acts should be reduced to one, omitting some Clauses, which at present may not be of absolute Necessity to insert; **BE IT THEREFORE ENACTED** by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the same Province, in General Assembly met, and by the Authority of the same, That the present Commissioners for putting the said Acts in Execution, together with the Assessors of the respective Counties of *Philadelphia*, *Chester* and *Bucks*, now in being, shall continue in their several Places, and execute the Powers and Authorities given and required of them by the same Acts, for and during all the Time they were respectively appointed to serve, according to the Direction of those Acts. Preamble. The present Commissioners and Assessors to act.

II. *AND in regard it is intended*, that three Commissioners shall be continued to execute this Act in every County of this Province, and that the eldest, or first chosen of them, shall be successively changed, by yearly Elections, in each County; *It is therefore enacted by the Authority aforesaid*, That the Freeholders and Inhabitants of the said respective Counties, who are by the Laws of this Province qualified to elect and be elected Members of Assembly, shall, yearly and every Year, in a peaceable and quiet Manner, meet at the Time and Place appointed for such Elections, or the Day following, unless it happened to be that called *Sunday*, and then on the Day next after; whereupon they shall choose, not only the said Commissioners, but also Persons to serve in Assembly, and to be Sheriffs, Coroners and Assessors, of the said respective Counties, in Manner following, *that is to say*, All Persons who, by Virtue of the said Laws, have a Right to vote in such Elections, shall deliver in Writing, to the Judges of those Elections respectively, in one Piece of Paper, the Names of Eight Persons for whom they vote to serve in Assembly; in one other Paper the Names of Two Persons for Sheriffs, and Two for Coroners; and in another Piece of Paper the Names of One Person to be Commissioner, and Six to be Assessors for each of the said Counties: And when the said Commissioners and Assessors are so chosen, the Sheriff of the respective Counties shall take their Names in Writing, under the Hands and Seals of at least Six more of the said Freeholders, and certify the same to the Justices, at their General Sessions of the Peace in each County next after such Election: Which Return shall be entered on Record, by the Justices Clerk,

The Time and Mode of electing Members of Assembly.

Commissioners and Assessors to be qualified;

by whom.

The former to act on Neglect of a new Choice.

To meet annually, and to calculate the public Debts, &c.

The Power of the Commissioners, &c.

The Constable's Fees.

Clerk, in their Sessions Minute-book. And that the Returns of all the said other Elections shall be made as usual, according to the Manner and Form prescribed by the said Laws of this Province relating thereunto. But before any of the said Commissioners and Assessors, so chosen and returned, shall take upon them the respective Service and Duty by this Act required of them, they shall be qualified, *to wit*, the new elected Commissioner first, and the Assessors afterwards, by Oath or Affirmation, to the Effect following, that is to say, *Thou shalt well and truly cause the County Debts to be speedily adjusted, and the Rates and Sums of Money by Virtue of this Act imposed, to be duly and equally assessed and levied, according to the best of thy Skill and Knowledge; and herein thou shalt spare no Person for Favour or Affection, nor grieve any for Hatred or Ill-will.* Which Qualification or Engagement, any two or more of the Justices of the Peace in the proper County, or City of Philadelphia, where such Assessments are usually made, shall have Power, and are hereby required, under the Penalty of *Five Pounds* a-piece, to administer when required: And the said Qualifications shall be put in Writing, and signed by those that take them, and certified by the Justices, and filed by the Clerk of the Sessions, along with the said Sheriff's Return of the Persons so qualified.

III. *PROVIDED* always, That when the Inhabitants of any of the said Counties refuse or neglect to choose Commissioners and Assessors, according to the Direction of this Act, then and in every such Case the Commissioners and Assessors, who officiated the Year next preceding such Neglect, shall continue to officiate in their respective Stations, until another Election be made according to the Direction of this Act.

IV. *AND* be it further enacted by the Authority aforesaid, That the said Commissioners and Assessors, or a Majority of them, as soon as conveniently they can, after they are qualified as aforesaid, shall annually meet at the Place where the Quarter Sessions and other Courts are usually held, and then and there, or at such other Times and Places as the said Commissioners, or any two of them, may then after appoint, shall calculate the Public Debts and Charges of the said respective Counties; allowing all just Debts and Demands which now are and hereafter shall be chargeable upon the said respective Counties, and City of Philadelphia, and shall from Time to Time adjust and settle the Sum and Sums of Money which ought of Necessity to be raised yearly, to pay for Representatives Service in General Assemblies, and to defray the Charges of building and repairing of Court-houses, Prisons, Work-houses, Bridges, and Causeways at the Ends of Bridges, or for destroying Wolves, Foxes and Crows, with such other Uses as may redound to the public Service and Benefit of the said Counties respectively: And shall also ascertain and set down such competent Sum and Sums of Money, as shall be yearly applied towards every of the said Services, together with such Sums as may be needful to make good Deficiencies in County Rates assessed and not yet collected, and to enforce the Collection thereof as Occasion may require.

V. *AND* be it further enacted by the Authority aforesaid, That the said Commissioners, or any two of them, in each County, shall, within Six Days after their said annual Meetings, issue forth their Precepts, directed to the Constables of every Township, requiring them to bring to the said Assessors, within Six Weeks next after the Date of such Precepts, fair and true Certificates in Writing, upon their Oaths or Affirmations, of the Names and Sir-names of all and every the Persons dwelling or residing within the Limits of those Townships or Places with which they shall be charged, and the Names of all Freemen, Inmates, hired Servants, and all other Persons residing or sojourning in every of the said Townships, together with an Account of what Tracts and Parcels of Land and Tenements they respectively hold in such Township; and how many and what Parts of those Tracts are settled, improved or cultivated, and how much of the same Land is sowed with Corn; and how many bound Servants and *Negroes*, with their Ages; and what Stock of Cattle, Horses, Mares and Sheep, they possess, without Concealment, Fear, Malice, Favour or Affection, upon Pain of Forfeiture of any Sum, not exceeding *Five Pounds*, to be levied as by this Act is appointed. And every of the said Constables shall, by an Order from one or more of the said Commissioners, have and receive from the Treasurer of the said respective Counties, *Three-pence* by the Pound, for their Care and Trouble in executing and returning the said Precepts in Manner aforesaid. And that the Assessors

Assessors for the said respective Counties, or any four of them, shall meet at the Day and Place where the Commissioners Precepts are made returnable, and then and there receive the Constables Returns; and shall thereupon, by the Oaths or Affirmations of the said Constables, or other credible Persons, or by any other lawful Ways or Means, inform themselves what Persons and Estates in their respective Counties are rateable by Virtue of this Act; and shall forthwith equally and impartially assess themselves, and all others rateable as aforesaid, exempting out of such Assessments all unsettled Tracts or Parcels of Land; *That is to say*, such Tracts of Land as at the Time of the said Assessment making are unseated, although the same were formerly accustomed to be rated in Assessments, and having due Regard to such as are poor, and have a Charge of Children; and no single Man who, at the Time of Assessment, is under Twenty-one Years of Age, or hath not been out of his Servitude or Apprenticeship Six Months, shall be rated by this Act; but as to those single Men, whose Estates shall not be rated at *Fifty Pounds*, they shall be assessed after the Rate of *Three Shillings* a Head, upon a Tax of *One Penny* per Pound, both for Poor Rates, and City and County Levies. *Provided always*, That no Assessments of County Rates, to be made by Virtue of this Act in any one Year, shall exceed the Value of *Three-pence* in the Pound, and *Nine Shillings* per Head. *Provided also*, That the Proprietary and Governor's proper Estate shall not be liable to be rated or assessed by Virtue of this Act.

The Power of the Assessors to meet.

The Manner of assessing, and who are rateable, &c.

Proviso.

Proviso.

VI. *AND be it further enacted by the Authority aforesaid*, That whensoever any Wolves are killed within the inhabited Parts of this Province, and when red Foxes are killed by any Person or Persons, except *Indians*, within the said inhabited Parts, he or they, who kill such Wolves or Foxes, shall bring the Heads of them to some Justice of the Peace for the County where they are killed, who is hereby impowered and required to examine the Parties producing such Heads, or, at the Discretion of the said Justice, to charge him or them, upon Oath or Affirmation, to declare where those Wolves or Foxes, whose Heads they so produce, were killed, and by whom; and if it shall clearly appear to the Satisfaction of such Justice, that those Heads were severed from Wolves or Foxes so as aforesaid killed by the Party producing the same, the Justices, before whom such Examination is taken, shall cause the Tongues and Ears of such Heads to be cut off, and upon Proof made as aforesaid, and not before, shall grant an Order upon the Treasurer of the County where such Wolves or Foxes are killed, reciting therein the Substance of the Proof, and requiring the Treasurer to pay the Party after the Rates herein after appointed for each Head; *That is to say*,

Reward for killing of Wolves.

For every grown Dog or Bitch Wolf, *Fifteen Shillings*.

For every Wolf Puppy or Whelp, *Seven Shillings and Six-pence*.

For every old red Fox, *Two Shillings*; and

For every young red Fox or Whelp, *One Shilling*.

Prices for killing Wolves and Foxes.
2 GEO. II.
Cap. 2.

VII. *PROVIDED nevertheless*, That Wolves Heads, brought before a Magistrate by any *Indian*, to claim the Benefit of this Act, shall be attended with a Certificate, or other Proof, of some Person in the Neighbourhood where such Wolf was killed, certifying under his Hand, that he saw such Head when green. And whosoever kills any Crows, he may bring them, but not less than Six at one Time, to the next Justice of the Peace, who shall see their Bills cut off, and then give the Party that brings them an Order upon the County Treasurer, to pay him *Three-pence* per Head, for every such Crow.

Indians, killing of Wolves, to have the Benefit of this Act.
Three-pence per Head for Crows.

VIII. *AND be it further enacted*, That all the said respective Sums of Money, with the Names of the Persons to whom payable, and the particular Uses to which they are appropriated, shall be entered in a Book, to be kept for that Purpose by the Treasurers of the respective Counties, who are hereby required to provide Books, at their own Charge, wherein they shall make the said Entries accordingly. And that all Accounts of Debts and Demands, justly chargeable upon the said respective Counties, shall be allowed by a Majority of the Commissioners and Assessors of the same Counties for the Time being, who shall certify such Allowance accordingly, by Indorsement on the Accounts; and shall cause the Names of the Creditors, and the Sums so allowed them, to be entered in a Book, which the said Commissioners shall prepare and keep for that Purpose, at the Charge of the said respective Counties.

Treasurers to enter Sums paid.

A Majority of Commissioners to adjut and allow Accounts, &c.

Counties to be divided into Districts, and a Collector to be appointed in each.

IX. *AND be it further enacted by the Authority aforesaid,* That the said Assessors shall, at the Return of the Commissioners Precepts above-mentioned, divide the Counties wherein they act into Districts, and appoint some fit Person in every of those Districts to be Collector of the said Assessments from Time to Time, and shall cause fair Duplicates of the Assessment of each District to be drawn; one Part thereof shall, by the Clerk that writes the same, be delivered to one of the said Commissioners of the proper County, and the other Part to the Collector of each District, with Directions from the said Commissioners to every such Collector, indorsed on his Duplicate, or annexed thereunto, requiring him to demand of the Parties the respective Sums of Money wherewith they are chargeable, and acquaint them of the Day of Appeal, which shall be appointed by the said Commissioners, within one Month after the said Assessments are made; but where any of the said Collectors cannot meet with the Party of whom Demand is to be made as aforesaid, he or they shall leave Notice in Writing with some of the Family, or at the Place of the Party's last Abode, signifying also the Day of Appeal; at which Day every of the said Collectors shall return their said Duplicates, with the Names of such Persons, and Value of such Estates, as shall be concealed, undervalued, or omitted in the Constables Return.

Notice to be given of the Day of Appeal, &c.

The Party grieved may appeal.

X. *AND* if any Person or Persons find him or themselves aggrieved with any of the said Assessments, supposing the same to be unequal, he or they may appeal to the Commissioners of the proper County.

Commissioners and Assessors to meet on the Day of Appeal, and examine those that appeal, &c.

XI. *AND* the said Commissioners are hereby required to meet on the said Day of Appeal, where the Assessors shall attend, and lay before the Commissioners all the written Certificates of the Names of the Taxables, and the Account of their Estates, returned by the Constables, as this Act requires, together with the particular Valuations set by the Assessors upon the Persons and Estates so returned: Whereupon the Commissioners shall take due Notice thereof, and strictly examine the Persons appealing, upon their Affirmations, or otherwise, concerning the Cause of their Appeal; and upon such Examination, or Proof of others, they are hereby empowered to diminish or add to such Person's Rate or Assessment, as to them shall seem just and reasonable, with Power also to call before them such Persons, and take Notice of such Estates, as they find are omitted in the said Assessment, in order to rectify it: And if the Persons so omitted refuse or neglect to appear and give an Account of the Value of their Estate, they shall pay double the Sum they should or ought to have been rated at by this Act.

Assessments being rectified, to cause their Clerks to give Five Days Notice.

XII. *AND* the said Commissioners, upon hearing of the said Appeals, shall rectify and adjust the said Assessments, by abating or adding to the Sums contained in their said respective Duplicates, and cause their Clerks to give the Parties concerned, where Omissions are supplied, or Additions made to their Assessments, Five Days Notice to appear before the Commissioners, and make their Objections thereunto: And that the said Clerks shall, within Ten Days next after the said Day of Appeal, deliver to the Treasurers of the said respective Counties a true Account of the Sums total, which every Collector shall be charged with pursuant to this Act.

Duplicates to be delivered to the Collectors.

XIII. *AND* the said Commissioners shall cause their Clerks to draw fair Duplicates of the Assessments of the said respective Districts, so rectified as aforesaid, and deliver them to the Collectors of those Districts where they belong, within Twenty Days after the said Day of Appeal, with a Warrant annexed thereunto, under the Hand and Seal of one or more of the Commissioners who signed the Assessments, requiring them forthwith to collect and receive, from the Persons assessed, the several Sums in the said Duplicates respectively mentioned, either in ready Money, Bills of Credit, or in good merchantable Wheat, at Money Price, to be delivered at such Market, Mill or Mills in the said respective Counties, where the Charge of the Portage thereof to Philadelphia shall not exceed *Three-pence* per Bushel; and that the Miller's Receipt for the said Wheat, being delivered to the respective Collectors by the Persons paying or delivering the same as aforesaid, shall be taken by the said Collectors as Payment from the Person by or from whom the same are delivered as aforesaid.

Collectors to account once in Six Weeks;

XIV. *AND be it further enacted by the Authority aforesaid,* That the said Collectors shall, once in Six Weeks at least, render a just and true Account of, and bring in and pay unto the respective County Treasurers, all such Sums of Money and Receipts for Wheat, as they shall then have received, and shall pay the Whole
and

and every of the Sums of Money assessed in their respective Duplicates, within Three Months next after the said Days of Appeal; and the Treasurers shall give Receipts to the Collectors for what they shall so bring in and pay, from Time to Time; which Receipts shall be the Collector's Discharge for so much.

XV. AND that the said Treasurers shall, from Time to Time, signify in Writing to the said Commissioners, how much every Collector brings in and pays as aforesaid; and when any of the said Collectors are negligent, or refuse to do their Duty in the Premises, the Treasurers are hereby required forthwith to signify the same, by Way of Complaint, to the Commissioners where such Neglect or Refusal shall happen.

XVI. AND be it further enacted, That if any Person or Persons, so rated or assessed by Virtue of this Act, shall refuse or neglect to pay the Sum or Sums so assessed, in ready Money, Bills of Credit, or Wheat delivered in Lieu thereof in Manner aforesaid, by the Space of Thirty Days after Demand made as aforesaid, it shall be lawful for the said Collectors respectively, by Virtue of a Special Warrant for that Purpose, signed and sealed by two or more of the said Commissioners, who shall forthwith grant the same, and shall thereby empower the said Collectors to call to their Assistance, if Occasion be, any Constable or other Person, and in case of Resistance, to break open in the Day-time any House, Trunk, Box, Chest, Closet, Cupboard, or other Things, where any such Offender's Goods and Chattels, or Effects, are supposed to be, and make Distress and Sale thereof, rendering the Overplus, if any be, to the Owners, after reasonable Charges deducted.

XVII. BUT if no Distress can be found by the Collector, and the Party refuses or neglects to shew them Goods or Chattels of his own forthwith to satisfy the Money then due, with reasonable Charges, then the Collector shall take the Body of every such Person, and bring him to the County Goal, and deliver him to the Sheriff or Keeper of the said Goal, who shall detain him in safe Custody, without Bail or Main-prize, until Payment be made.

XVIII. PROVIDED always, That where Effects cannot be found sufficient to answer the whole Sum in Arrear, with Charges as aforesaid, then Distress shall be made for so much as the Effects extend to, and the Party to be imprisoned only for the Residue thereof, with incident Charges: All which Charges of Distress, Assistance, and bringing to Prison, shall be adjusted and settled by any two or more of the said Commissioners, when such Occasion shall happen.

XIX. AND be it further enacted, That if, upon Complaint of the Treasurer to the Commissioners, it shall appear that any of the said Collectors refuse or neglect to pay the said Sums of Money, or other Effects, which he or they shall be respectively charged to collect, or produce Receipts, testifying the Payments or Delivery thereof as aforesaid, and deliver the Money or Receipts for Wheat in the Manner and at the Time by this Act required, retaining such Sums as are hereby allowed for collecting and paying the same, then the Commissioners of the proper County, or any two of them, shall fine every such delinquent Collector, in any Sum not exceeding Ten Pounds, and appoint others to act in his or their Stead.

XX. AND moreover, it shall be lawful for the said Commissioners of the proper County, or any two of them, and they are hereby required to meet and issue out their Warrants, under their Hands and Seals, directed to the Sheriff or Coroner of the proper County, requiring him to take the Body, and seize and secure the Estate, real and personal, belonging to such Delinquent, or which shall come into the Hands or Possession of his Heirs, Executors or Administrators, wherever the same can be discovered or found in this Province, and make Return of his Proceedings therein, at such Time and Place as the Commissioners shall appoint.

XXI. AND that the said Commissioners, who shall cause the said Lands and Estates to be seized and secured as aforesaid, shall be and are hereby empowered to appoint a Time for a General Meeting of the Commissioners of such County, and there to cause public Notice to be given where such Meeting shall be appointed, Six Days at least before such General Meeting; and the Commissioners then present at such Meeting, or the major Part of them, in case the Money detained by such Delinquent be not then paid or satisfied, shall, and are hereby empowered and required to issue forth their Warrants or Precepts to the Sheriff or Coroner of the proper County, empowering and requiring him to sell and dispose of all such Estates

and pay the Whole in Three Months.

Treasurer to acquaint the Commissioners of the Sums received, and of the Collectors Neglect.

Persons refusing to pay in Thirty Days after Demand, the same to be distrained for.

For Want of Distress, to take the Body.

If Effects for Part, the Delinquent to be imprisoned for the Residue.

If Collectors neglect to pay, to be fined.

Process to issue against delinquent Collectors Estates.

Commissioners to appoint a General Meeting, and to issue their Precepts to sell the Estates.

Estates, as shall be for the Cause aforesaid seized and secured, or any Part thereof, and to bring the Money arising by such Sale to the Commissioners who granted such Warrants, in order to satisfy and pay unto the respective County Treasurers, for the Time being, the Sum or Sums that shall be so unpaid or detained in the Hands of the said Collectors, or other Persons, their Heirs, Executors or Administrators respectively, with Damages for what shall be so unpaid, returning the Overplus, if any be, to the Owner, after all necessary Charges deducted.

The Title of which shall be by Deed from the Sheriff or Coroner.

XXII. AND when any Sale of Land, Tenements or Hereditaments, shall be made by such Sheriff or Coroner respectively, pursuant to this Act, the Title and Conveyance thereof shall be by Deed, signed, sealed and delivered by the Sheriff or Coroner to such Person or Persons as shall purchase the same, in Fee-simple, or otherwise; which shall be most absolute and available in Law against the said Delinquents, and their Heirs and Assigns, and all claiming under them.

Conveyances, after the Money should have been paid, declared fraudulent.

XXIII. AND that all Gifts, Grants and Sales, which shall be made by any of the said delinquent Collectors, or other Officers respectively, of any of their said Estates, after the Time they should have paid the Money or Effects arising from the said Assessments, unless the Estate so seized be sufficient to answer what they are in Arrear, are hereby declared to be fraudulent, and shall not prevent or avoid the Seizure and Sales hereby appointed to be made thereof as aforesaid.

Freemen and hired Servants to be taxed, Household-ers to give an Account of their Lodgers, &c. on Penalty, &c.

XXIV. AND be it further enacted, That all Freemen, not being Household-ers, nor having a certain Place of Abode, and all the said hired Servants, shall be taxed at the Place where they reside, at the Time of the Constable's taking their Names as aforesaid; and that every Householder shall, at the Request of the said Constables of the respective Townships, Wards or Places, give an Account of the Names, Qualifications and Estates of such Persons as shall sojourn, lodge or dwell in their respective Houses, under the Penalty of *Forty Shillings*, to be levied, charged and paid in Manner aforesaid.

On Non-payment by Freemen or Servants, the Collectors may distrain upon the Employer, &c.

XXV. AND if any such Freeman shall not be found at such Place of Residence, nor within the same Township where their Names are taken as aforesaid, at the Time when such respective Collectors shall come to receive such Household-ers Assessment, then, unless such Freeman or Servant hath by himself or Friend paid, or unless such Household-ers or Employer doth pay the same for him, upon Demand made thereof by the Collector, it shall and may be lawful for every such Collector to make Distress and Sale of the Householder's or Employer's Goods and Chattels for the same, rendering the Overplus to the Owner as aforesaid; and every such Householder or Employer shall recover the same from every such Freeman, with Charges, by Warrant from any Justice of the Peace of the proper County, as in Case of Debts under *Forty Shillings*.

The Commissioners, on Neglect of Duty, to be fined, &c.

XXVI. AND be it further enacted by the Authority aforesaid, That if any of the said Commissioners shall refuse or neglect to do his or their Duty in the Premises, he or they so offending shall be fined by a Majority of the Justices of the Peace of the proper County, for the Time being, at their next Quarter Sessions after the said Offence is committed, in any Sum not exceeding *Ten Pounds*, for every Offence; which, by Virtue of a Warrant under the Hands and Seals of the said Justices, or any two of them, directed to the Sheriff or Coroner of the County where such Offender or his Estate is at the Time of issuing such Warrant, shall be levied by Seizure and Sale of Lands, Distress and Sale of Goods, or Imprisonment of Body, as the Case shall require; and from and after such Refusal or Neglect, or if any of the said Commissioners shall misbehave themselves, or happen to die, during the Time for which they are chosen, the other Commissioners and Assessors for the Time being, at their next Meeting, next after such Death, Refusal, Misbehaviour or Neglect, shall, in every such Case, appoint others to act in their Stead.

In case of Death, &c. new Commissioners to be chosen.

The Treasurers to be fined by the Commissioners, &c.

XXVII. AND if any of the said Treasurers shall refuse or neglect to do his Duty, as by this Act is required, he shall be fined by two or more of the Commissioners for the County where he is deficient of his Duty, in any Sum not exceeding *Ten Pounds*, for every Offence; which shall be levied as aforesaid, by Virtue of a Warrant under the Hands and Seals of two or more of the same Commissioners, directed as aforesaid; and from and after such Refusal or Neglect, or if any of the said Treasurers shall happen to die, the Commissioners of the proper County shall, in every such Case, appoint others to act in their Stead.

XXVIII. AND

XXVIII. AND if any of the said Assessors shall refuse or neglect to do their Duty, as this Act requires, the Commissioners of the proper County, or any two of them, shall fine every such Assessor, in any Sum not exceeding *Ten Pounds*, which shall be levied by one of the same Commissioners Warrant, in Manner aforesaid. All which Fines, with all the other Fines and Forfeitures mentioned in this Act, shall be levied as aforesaid, and shall be paid and added to the public Stock of the respective Counties where they shall happen.

Assessors to be fined by Commissioners.

Fines to be paid into the County Stock.

XXIX. AND the said Commissioners shall be allowed *Four Shillings and Six-pence* each, for every Day's Attendance, besides *Twelve-pence* for every Precept and Warrant they are to sign by Direction of this Act; which, with reasonable Charges to be allowed their Clerks, for delivering the Duplicates and other Services, besides Writing, as the said Commissioners in their respective Counties, by Order under the Hands of two of them, shall think fit to allow, shall be paid by the respective County Treasurers.

The Commissioners Allowance.

XXX. AND the said Assessors, for their Time and Labour in the Premises, shall be allowed *Six-pence per Pound*, for the whole Sum contained in the Rates of their respective Counties, after the Assessment is rectified and adjusted by the Commissioners, according to the Direction of this Act; to be paid by the Treasurer, upon Sight of the Commissioners Order for the same, and be equally divided amongst them: Which said Poundage shall be to the Assessors for the Time being, in full Satisfaction for all the Service and Attendance required of them by this Act. And the said Collectors shall retain in their Hands *Twelve-pence per Pound*, for all Sums of Money by them respectively collected, together with what they shall pay the Assessors as aforesaid.

The Assessors Allowance.

The Collectors Allowance.

XXXI. AND those that officiate as Clerks shall, for their Pains in writing the Duplicates, and all Warrants and Precepts relating to the Premises, have and receive as followeth, *viz.* The Clerk of *Philadelphia*, *Four Pounds*: The Clerk of *Chester*, *Four Pounds*: And the Clerk of *Bucks*, *Three Pounds Ten Shillings*: Which the respective County Treasurer is hereby required to pay them accordingly.

The Clerks Allowance.

XXXII. AND if any of the said Clerks shall neglect to do his or their Duty, as by this Act is required, he or they shall be fined by the Commissioners of the proper County, in the Sum of *Ten Pounds* each; to be levied and paid as aforesaid. And in case of Death or Neglect of any of the said Clerks, the Commissioners shall forthwith appoint others to act in their Stead.

Penalty on the Clerk's Neglect of Duty.

XXXIII. *PROVIDED* always, That if any Person or Persons be sued or prosecuted, for any Thing done in Pursuance of this Act, he or they may plead the general Issue, and give this Act and special Matter in Evidence for their Justification; and if the Plaintiff or Prosecutor become Nonsuit, or forbear Prosecution, or suffer Discontinuance; or if a Verdict pass against him in such Action, Suit or Information, the Defendant shall have treble Costs, to be recovered as in case where Costs by Law are given to Defendants.

Persons sued, &c. to plead this Act, &c.

XXXIV. *PROVIDED* also, That no Person or Persons shall be sued or prosecuted for Neglect in the Execution of this Act, unless he or they be sued or prosecuted within Twelve Months after such Offence is committed.

Prosecution to be within 12 Months.

XXXV. *PROVIDED* also, That no Proceedings prescribed or required by this Act, against Collectors and other Officers and Persons refusing or neglecting to comply therewith, shall be stayed by *Noli prosequi*, or otherwise; nor any Fines or Forfeitures arising by this Act pardoned or released, without Payment thereof made to the Uses hereby appointed; any Law or Usage to the contrary notwithstanding.

No Suits to be stayed, or Fines pardoned.

XXXVI. AND be it further enacted by the Authority aforesaid, That the said Commissioners and Assessors of the said respective Counties for the Time being, or the major Part of them, are hereby impowered and required, as often as there may be Occasion, during the Continuance of this Act, to choose a Treasurer for each County; which Treasurers, when so chosen, as well as the present County Treasurers, and every of them, are hereby impowered and required respectively to receive all the Money and other Effects, arising as well from all the said Assessments, as also the Fines and Forfeitures which shall be imposed from Time to Time by Virtue of this Act.

Treasurers to be chosen by the Commissioners and Assessors.

Who are to
give Security
to the Com-
missioners.

XXXVII. AND that the said respective Treasurers for the Time being, before they enter upon the Execution of their Offices, shall become bound to the Commissioners of the proper County, with one or more sufficient Sureties, *to wit*, The Treasurer of *Philadelphia* County, in an Obligation of *One Thousand Pounds*: The Treasurer of *Chester* County, in an Obligation of *Eight Hundred Pounds*: And the Treasurer of *Bucks* County, in an Obligation of *Four Hundred Pounds*: Conditioned for the true Execution of their respective Offices, and due Observation of this Act.

In case of
Death, &c.
the Com-
missioners to
appoint
others.

XXXVIII. AND in case of the Death or Removal of any of the said Treasurers, then the Commissioners and Assessors of the proper County for the Time being, or the major Part of them, shall appoint others to supply the Places of such as shall so die or be removed, from Time to Time, who shall give Security as above; which said respective Treasurers shall give Security in Manner aforesaid, and shall keep a distinct Book in each County, containing a particular Account of all the Rates and Assessments, made or to be made as aforesaid; as also of all Disbursements and Payments made by Order of former Commissioners and Assessors, with such Payments as shall hereafter be made by Order of the Commissioners by Virtue of this Act.

Treasurers to
keep Books,
&c.

And settle
their Ac-
counts year-
ly.

XXXIX. AND that the Treasurers shall, yearly, at the next Quarter Sessions after Midsummer-Day, in each County of this Province, bring in and settle their respective Accounts with the said Commissioners and Assessors, a Majority of whom shall give Attendance for that Purpose, and shall have Power to adjourn, from Time to Time, till the said Accounts are settled: And the Treasurers shall be allowed for their Trouble, in receiving and paying all such Monies as shall come into their Hands respectively, by Virtue of this or the other Acts for raising County Levies, so much as the said Commissioners and Assessors, or the major Part of them, from Time to Time shall judge reasonable.

Treasurers
Allowance.

Treasurers
removed, to
deliver up
their Ac-
counts, &c.
to their Suc-
cessors, on
Penalty, &c.

XL. AND where any County Treasurers shall be removed from their Offices of Treasurers, they shall deliver up to the succeeding Treasurers all the Books, public Accounts and Papers, belonging to those Counties where they acted, whole, entire and undefaced, under the Penalty of *One Hundred Pounds*; to be recovered in Manner and for the Uses herein above-mentioned. And where any County Treasurer hath been or shall be removed by Death, the Executors or Administrators of such Decedent shall deliver, in like Manner, all the Books and Papers relating to the said public Accounts, to the succeeding Treasurers, under the same Penalties, to be recovered as aforesaid.

Repeal of
former Laws.

XLI. And be it further enacted by the Authority aforesaid, That the said Acts for more effectual raising of County Levies, made in the Fourth Year of his present Majesty's Reign, and the said Supplementary Act, made in the Eighth Year of the same Reign, and all other Acts made for raising and collecting Arrears of County Levies, passed in the several Reigns of the late King WILLIAM and Queen ANNE, and every Article, Clause or Thing therein, or in any of them contained, shall be and are hereby repealed, to all Intents and Purposes whatsoever.

Passed March 20, 1724-25.—Recorded A, Vol. II. p. 311.

C A P. IV.

An ACT to regulate the Practice upon Writs of Summons and Arrest.

Preamble.

WHEREAS it hath been the earnest Endeavours of the Legislative Power of this Government, to provide for the Liberty of the Subject, by Regulations of this Kind, without the least Design of protecting Mens Estates from Payment of their Debts; but, so far as Justice would permit, to maintain the Freedom of their Persons, according to the ancient common Law of *England*, which suffer not the Body, in case of Debt, to be detained in Prison, but be at Liberty to follow his own Affairs and Business, &c. And it seems highly just that the same Reason should take Place in this new Colony, where Plantations are to be improved by hard Labour and great Diligence: Therefore may it please the Governor, that it may be enacted, AND BE IT ENACTED by Sir WIL-

LIAM

LIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Freeholder, inhabiting in any Part of this Province, who hath resided therein for the Space of two Years, and has Fifty Acres of Land, or more, in Fee-simple, well seated, and Twelve Acres thereof, or more, well cleared or improved, or hath a Dwelling-house, worth *Fifty Pounds* current Money of *America*, in some City or Township within this Province, clear Estate, or hath unimproved Land, to the Value of *Fifty Pounds* like Money, shall be arrested or detained in Prison by any Writ of Arrest, or *Capias ad Respondendum*, in any civil Action, unless it be in the King's Case, or where a Fine is or shall be due to the King, his Heirs or Successors; or unless they be such Freeholders as by this Act are made liable to be arrested; but that the original Process against Freeholders shall be a Writ of Summons, under the Hand and Seal of one of the Justices of the Court of Common Pleas for the proper County, directed to the Sheriff or Coroner there, as the Case may require, commanding him to summon the Defendant: The Form of which Writ shall be as followeth, *viz.*

No Freeholder to be arrested; and who shall be deemed such.

Except in the King's Case, &c.

Process to be by Writ of Summons.

GEORGE, by the Grace of GOD, of Great-Britain, France and Ireland, King, Defender of the Faith, &c. To the Sheriff of the County of *Greeting.* We command you, That you summon *so that*
he be and appear before our Justices at *at*
our Court of Common Pleas, there to be held Day of
next, to answer the Complaint of of a Plea, &c.
Witness Esq; Day of *at*
in the Year of our Reign.

The Form.

AND if the Defendant in such Writ does not appear at the Day of the Return thereof, but makes Default, and the Officer to whom such Writ was directed, or his lawful Deputy, doth certify to the Court, upon Oath or Affirmation, that on or before the Day of the Return of such Writ, he hath summoned the Defendant, mentioning the Day he did so, or left Notice in Writing of such Summons at the House of the Defendant, in the Presence of one or more of his Family or Neighbours, signifying that the Defendant should be and appear according to the Contents of such Summons; upon which Return, if the Defendant has been so served ten Days, and the Plaintiff had filed his Declaration in the Office of the Prothonotary, within the Space of five Days before the Court to which such Writ is returnable, it shall be lawful to and for the Plaintiff in such Action to file a common Appearance for the Defendant so making Default, and proceed to Judgment and Execution, by *Nihil Dicit*.

Proceedings thereon.

II. PROVIDED always, That nothing herein contained shall exempt any Person from being arrested, or shall debar any Person from taking out Writs of Arrest, if the Plaintiff in every such Writ, or somebody for him, doth make appear by Affidavit, upon Oath or Affirmation, which the Justice that grants such Writ is hereby impowered and required to administer, testifying, That the Defendant in the same Writ named, hath signified his Intentions of going to Sea, or of removing out of this Province, or lurks in secret Places, or conceals himself in his own or others House; or that the Defendant in such Writs hath refused or neglected, upon Demand, to give either real or personal Security for the Debt, or refused, without Process, to appear and put in Special Bail to the Plaintiff's Action for the Debt or Cause for which he complains; or that the Defendant suffered himself to be arrested, or Judgment to be entered against him; or made over his Lands or Chattels to others, or suffered them to be attached, and made no proper Defence to such Proceedings; or where the Plaintiff can make appear, from Records or otherwise, that so much of the Defendant's Estate is mortgaged, aliened, entailed, or liable to one or more Judgments suffered or ordered to be entered against such Defendant, so that the Value of his Fee-simple Estate, in Possession, clear of those, and all other Incumbrances, will not, as the Depo-
 nent believes, be sufficient to satisfy the Debt demanded; or that the Defendant in such Writ hath not been a Resident in this Province for the Space of two Years next before the Date of the same Writ: In all which Cases, Writs of Arrest shall be

Provido, where a Freeholder may be arrested, and held to Special Bail, &c.

be granted, and the Defendant held to Special Bail, if the Case requires it; and the Justices that grant the same shall cause all the Affidavits they take, as above required, to be filed by the Clerk of the Court where such Writs are returnable.

Freeholders
arrested
within the
Intent of this
Act, the
Writ to
abate, and
the Defend-
ant allowed
Costs.

III. BUT if any Freeholder, exempted from Arrests by Virtue of this Act, shall happen to be taken by any Writ of Arrest, the Court, where such Writ is depending, shall forthwith, upon the Defendant's Motion, stay all further Proceedings against him till they examine his Circumstance; and if they find he is such as by this Act is intended to be exempted, the Court shall of their own Accord abate the Writ, and allow the Defendant *Thirty Shillings* Costs, to be paid by him or them that procured such Writ, and for Non-payment thereof, the Court shall grant an Attachment, as in other Cases where a Rule of Court is not complied with.

Persons
offending
against this
Act to answer
at the Su-
preme Court.
Repeal of a
former Law.

IV. AND if any of the Justices or Clerks of the said Courts, or Practitioners at Law, shall contemn this Act, and wilfully proceed in the Premises, contrary to the Direction thereof, they shall be liable to answer, and be fined for the same, at the Supreme Court of this Province, any Sum not exceeding *Ten Pounds*.

V. AND be it further enacted, That the Act directing the Process of Summons against Freeholders, and every Article, Clause or Thing therein contained, shall be and are hereby repealed, to all Intents and Purposes whatsoever.

Passed March 20, 1724-25.—Recorded A, Vol. II. p. 319.

C A P. V.

An ACT for continuing the Bounty upon Hemp.

Passed March 20, 1724-25.—Recorded A, Vol. II. p. 319.—Expired.

C A P. VI.

An ACT for the better securing the City of *Philadelphia* from the Danger of Gun-powder.

Preamble.
20 GEO. II.
Cap. 1.

FORASMUCH as the City of *Philadelphia* is destitute of any Magazine, or other suitable Repository for the safe keeping of Gun-powder, which being a Commodity of good Consideration in the Trade of this Province, the Merchants and Traders are frequently reduced to the Necessity of keeping it on Ship-board, within the Port of the said City, or to deposite the same in the Stores and Shops, too often within the Access of Sailors and Servants, to the manifest Danger of the People of the said City, in their Persons and Estates: And forasmuch as *William Chancellor*, of the said City, Sail-maker, by the Recommendation of divers of the Magistrates, as well as Merchants and others of the said City, hath undertaken to build a suitable Powder-house or Store, for the Receipt of all the Gun-powder which shall or may be imported into the said City, on a Piece of Ground he lately purchased from *Daniel Pegg*, lying near the North End of the said City, adjoining to a Swamp on the South Side, and upon the King's High Road on the East End thereof, BE IT THEREFORE ENACTED, by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the said *William Chancellor*, his Heirs, Executors or Assigns, shall, at his and their proper Cost and Charges, cause to be well erected and built, a good, substantial, tight and secure Powder-house or Store for Gun-powder, of Brick or Stone, on the Piece of Ground aforesaid, within three Months next ensuing the Publication of this Act; to be well boarded and covered, and so fit and capacious, as may reasonably be expected will contain all the Gun-powder to be from Time to Time imported into the said City: Wherein he the said *William Chancellor*, his Executors and Assigns, shall lay up and store all the Gun-powder, to be from Time to Time imported or brought into the said City, which shall come to his or their Receipt, pursuant to the Direction of this Act; and for which he and they shall be accountable to the Owners or Deliverers thereof, Lightning and other unavoidable Accidents excepted; and shall also cause daily Attendance to be given at the Powder-store aforesaid, betwixt the Hours of Nine and Eleven in the Morning, and One and Three in the Afternoon, for delivering out the said Commodity, and also at all Times, on due Notice given, for receiving thereof, at the nearest

William Chancellor
appointed
to build a
Powder-
store.

And to store
all Gun-
powder, and
be account-
able for the
same.

and

and most convenient Landing to the said Lot of Ground; and immediately upon his receiving into his Custody any Quantity of Powder as aforesaid, he shall pass his Receipts in Writing for the same, expressing the Quantity of Powder, and describing the Marks and Numbers of the Cask.

II. *AND be it further enacted by the Authority aforesaid*, That no Person whatsoever, within the Precincts of the City of *Philadelphia* aforesaid, nor within Two Miles thereof, shall, from and after the Time the Powder Store aforesaid is so erected and finished, presume to keep in any House, Shop, Cellar, Store or Place of the said City, nor within Two Miles thereof, other than the Powder Store aforesaid, any more or greater Quantity, at any one Time, than Twelve Pounds of Gun-powder, under the Penalty of *Ten Pounds* for every such Offence. And whatsoever Master, Merchant or other Person, trading or bringing into the said Port any Gun-powder, other than such as shall be specially licensed in that Behalf by the Governor of this Province for the Time being, or shall be commissioned by the King's Majesty, or other Authority under the Crown of *Great-Britain*, shall not, within the Space of Forty-eight Hours from his first Arrival and coming to Anchor there, upon due Notice given him of the Purport of this Act, by the said *William Chancellor*, or his Assigns, or any of his or their Deputies or Servants, deliver all the Powder, so brought into the said Port as aforesaid, unto the said *William Chancellor*, his Executors or Assigns, shall forfeit the like Sum of *Ten Pounds* for every such Offence.

No Persons to keep in their Houses above 12 lb. of Gun-powder, on Penalty, &c.

Every Captain, &c. shall deliver his Powder, on Penalty, &c.

III. *AND be it further enacted by the Authority aforesaid*, That the said *William Chancellor*, his Executors and Assigns, shall have and receive for Storage for Gun-powder, at the Powder Store aforesaid, *Twelve-pence per Barrel per Month*, and so proportionably for Half-barrels and other Cask, for the first Six Months; and *Six-pence per Barrel per Month*, and so proportionably for Half-barrels and other Cask, for every Month any of the said Powder remains in the said Store above Six Months; and likewise shall have and receive for every Twelve Pounds, or lesser Quantity, to be delivered at one Time, *Six-pence*, over and above the said Storage.

The Price of Storage.

IV. *PROVIDED always nevertheless, and be it further enacted by the Authority aforesaid*, That what Quantity of Powder soever, of the Ship's Store of any Vessel, shall be so as aforesaid delivered to be kept at the said Powder Store, and shall be re-demanded back again, in order for its Exportation out of this Province, the said *William Chancellor*, his Executors or Assigns, shall cause the same to be re-delivered at the nearest and most convenient Landing to the said Powder Store, without exacting any other Perquisite for such Re-delivery, than what is herein before allowed for Storage. And if the said *William Chancellor*, his Executors or Assigns, shall neglect to give due Attendance at the Powder House aforesaid, as is herein before directed and appointed, or shall take or exact greater or larger Sum or Sums of Money for Storage and Delivery of said Powder, than is herein before limited and appointed, he or they so offending shall, on due Proof thereof, made by one or more credible Witnesses, before any one Justice of the Peace of the City or County of *Philadelphia*, forfeit and pay, for every such Offence, such Sum of Money as the said Justice shall think fit to award, not exceeding the Sum of *Thirty Shillings* for any one Offence.

Proviso.

Penalty on not giving Attendance, &c.

V. *AND be it further enacted by the Authority aforesaid*, That all and singular the Penalties and Forfeitures arising by this Act, excepting those under *Forty Shillings*, shall be recovered in any Court of Record in this Province, by Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law, nor any more than one Impar lance, shall be allowed; the one Moiety of which Forfeitures and Penalties shall go to the Governor, for the Support of this Government, and the other Moiety thereof to the Informer or Prosecutor who shall sue for the same.

How the Penalties are to be recovered and applied.

VI. *AND be it further enacted by the Authority aforesaid*, That the Clause in an Act of Assembly of this Province, intituled, *An Act for preventing Accidents that may happen by Fire in the Towns of Bristol, formerly called Buckingham, Philadelphia, Germantown, Darby, Chester, New-Castle and Lewes, within this Government*, enacting, that no Person within the Town of *Philadelphia*, within Six Months next following the Publication of the same Act, presume to keep in their Houses, Shops or Warehouses, more than Six Pounds of Gun-powder at one

A Clause in a former Law repealed.

Time, unless it be Forty Perches distant from any Dwelling, under the Penalty of *Ten Pounds* for every such Offence, is hereby repealed, and declared null, void and of none Effect; and that this present Act shall continue in Force for and during the Term of Twenty-one Years, and no longer.

Passed *August* 14, 1725.—Recorded A, Vol. II. p. 322.

C A P. VII.

An ACT for the better preventing Obstructions to the Navigation of *Chester* Creek, and other navigable Creeks and Rivers in this Province.

Preamble.

WHEREAS in the Year One Thousand Seven Hundred it was thought necessary, for the better Accommodation of the Borough of *Chester*, in the County of *Chester*, and the Inhabitants of the lower Parts of the said County, as well as Travellers, that the King's High Road should be altered and brought nearer to the River, to pass through the said Borough, with a Bridge over the said Creek there; and thereupon, in Consideration of the Owners of Lands, and especially of the Mills, situate on the said Creek, above the said Borough, which had been erected at great Charge, and required the same to maintain and support them, for the Benefit of Trade, an Act was passed in the said Year, that the Road should be laid out as aforesaid through the said Borough, and a Draw-bridge should be there built, and that a Person should attend the same to draw it up, that Sloops and Shallops might pass to and from the said Mills; and also, that for the Conveniency of Rafts of Logs passing to the said Mills, the Space of Twenty Feet at least should be left clear between the Timber or Stone Work; which Draw-bridge was accordingly erected, but now is gone to Decay, and requires to be rebuilt or repaired: THEREFORE BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Commissioners for the Time being, appointed for the said County of *Chester*, shall cause the said Draw-bridge to be rebuilt or repaired, within the Space of Twelve Months next after the Publication hereof, according to the Dimensions in the said recited Act, and from Time to Time shall cause it to be continued in Repair, for the Accommodation of the said Mills, and of the Owners of Lands, and Inhabitants on the navigable Parts of the said Creek above the Borough aforesaid, and also for the Accommodation of all such Persons, as have Occasion to pass and repass with any Mast Vessel through the said Bridge; who are hereby obliged carefully to raise and lower the said Draw-bridge, so as the same may receive no Damage thereby, under the Penalty of *Five Shillings* for every Neglect or Offence therein.

Commissioners to repair the Draw-bridge over *Chester* Creek, &c.

No Bridge to be built, &c. on navigable Creeks, that may hinder Navigation.

II. AND WHEREAS the erecting of Bridges over Creeks or Rivers of Water, to the Obstruction of their Navigation, where navigable, doth not only affect the Interest of the Owners of Lands upon and near navigable Waters above those Bridges, but also the Trade of this Province in general: And the better to preserve the Navigation of those Rivers and Creeks, divers Laws of this Province have from Time to Time been enacted, but the same, upon Experience, have been found not fully to answer the Ends thereby intended; *Be it therefore further enacted by the Authority aforesaid*, That no Bridge, Frame or Device whatsoever shall, at any Time to come, be made, erected, upheld, sustained or repaired, over any Creek or River within this Province, navigable for any Sloop, Shallop, Flat, or other Craft, that shall or may any wise stop or hinder the Navigation of any such Sloop, Shallop, Flat, or other Craft, or Floats of Logs; any Law, Custom or Usage, to the contrary thereof in any wise notwithstanding.

Proviso.

III. PROVIDED always, That nothing herein contained shall be construed to forbid or hinder the maintaining and repairing the Draw-bridge herein before particularly mentioned, or any other Bridge erected by public Authority; or the making of Dams, Mounds or Tide Banks, for the draining of low Grounds, and improving of Meadows, by the Owners or Owner of the greater Part of the Lands, low Grounds or Meadows, included within the same Dams, Mounds or Tide Banks, any Thing herein contained to the contrary in any wise notwithstanding.

Passed *August* 14, 1725.—Recorded A, Vol. II. p. 324.

At

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1725, in the Twelfth Year of GEORGE I. and continued by Adjournments to the Twenty-fifth Day of *August* following.

C A P. I.

An ACT for the re-emitting and continuing the Currency of such Bills of Credit of this Province, as by former Acts are directed to be sunk and destroyed; and for the striking and making current *Ten Thousand Pounds*, in new Bills, to supply those that are torn and defaced.

Passed March 5, 1725-26.—Recorded A, Vol. II. p. 326.—Obsolete.

C A P. II.

An ACT for laying a Duty on *Negroes* imported into this Province.

Passed March 5, 1725-26.—Recorded A, Vol. II. p. 335.—Expired.

C A P. III.

An ACT for the better enabling of *Bernhard Vanleer, Arent Haffert, Michael Smiths, William Seliger, Arnold Bamberger, William Hilligart, and Ulrick Hageman*, to trade and hold Lands in this Province.

Passed March 5, 1725-26.—Recorded A, Vol. II. p. 334.—Private Act.

C A P. IV.

An ACT for the better regulating of *Negroes* in this Province.

WHEREAS it too often happens that *Negroes* commit Felonies, and other heinous Crimes, which, by the Laws of this Province, are punishable by Death; but the Loss in such Case falling wholly on the Owner, is so great a Hardship, that sometimes may induce him to conceal such Crimes, or to convey his *Negro* to some other Place, and so suffer him to escape Justice, to the ill Example of others to commit the like Offences: For Remedy whereof, BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any *Negro*, owned by any of the Inhabitants of this Province, shall hereafter be convicted of any capital Crime, for which he or she shall suffer Death, the Justices, with the Freeholders before whom he or she shall be convicted, shall immediately upon such Conviction value such *Negro*; which Value by them set, shall be allowed and paid to the Owner out of the Duties, Fines and Penalties arising from this and one other Act, laying a Duty on *Negroes* imported into this Province, and no otherways; and the Provincial Treasurer is hereby empowered and required to pay the same, by Order under the said Justices Hands; which said Order they are hereby required to make, seal and deliver to the Owner of any *Negro* executed as abovesaid.

II. AND be it enacted by the Authority aforesaid, That from and after the Twenty-fourth Day of *June*, One Thousand Seven Hundred and Twenty-six, for every *Negro* imported or brought into this Province, from the *West-Indies*, or any other Place, who shall or have been transported or sent away for being Principal or Accessary to any Felony, or Grand or Petty Larceny, or other Misdemeanors there, shall be paid, by the Owner, Importer or Possessor, the Sum of *Five Pounds*, over and above the *Five Pounds* Duty laid by an Act of Assembly of this Province, passed this Sessions: Which said Duty shall be paid to the Officer

Negroes, convicted of capital Offences, to be valued, &c. and the Owner paid.

Duty on convict *Negroes* imported into this Province, &c.

Officer appointed to collect and receive the said Duty imposed by the said recited Act. And all Masters of Vessels, or others, bringing into this Province any such *Negroes*, shall, within the Space of Twenty-four Hours, make Entry, and, upon Oath or Affirmation, give a true Account to the said Collector, of the Number of *Negroes* by him or them imported or brought in, and to whom they respectively belong; whereupon the said Officer shall forthwith give Notice thereof, to any one or more of the Justices of the Peace for the City or County where such *Negroes* are or shall be imported; which Justice or Justices are hereby impowered and required immediately, by Warrant or otherwise, to call before him or them the said Master, Owner, or other Person or Persons importing such *Negroes* as aforesaid, and to examine him or them upon Oath or Affirmation, in order to discover which or how many of the said *Negroes* are liable to the said Duty of *Ten Pounds per Head*; and then the said Justice or Justices shall deliver, or cause to be delivered to the said Collector, a Certificate or List of the Number of *Negroes* so imported, which shall appear to them, or as they shall judge to be, within the Meaning of this Act; and thereupon the said Officer shall proceed to collect and recover the said Duty, or take Bond for the same. And all Masters of Vessels, and others, bringing into this Province any such *Negroes*, as likewise the said Collector, and all other Persons, shall and are hereby required to observe and comply with the Directions of the said Act, in and about the Execution of this Part of this Act, and under the same Exceptions, Restrictions and Penalties, as are appointed and set down in and by the said recited Act, excepting where the same is hereby expressly altered or supplied.

III. AND whereas it is found by Experience, that free *Negroes* are an idle, slothful People, and often prove burthenfome to the Neighbourhood, and afford ill Examples to other *Negroes*: *Therefore be it enacted by the Authority aforesaid*, That if any Master or Mistrefs shall discharge or set free any *Negro*, he or she shall enter into Recognizance, at the respective County Court, with sufficient Sureties, in the Sum of *Thirty Pounds*, to secure and indemnify the City, Township or County where he resides, from any Charge or Incumbrance they may bring upon the same, in case such *Negro*, by Sicknefs or otherwise, be rendered incapable to support him or herself; but until such Recognizance be given, such *Negroes* shall not be deemed free. And if any *Negro* be made free by the Will or Testament of any Person deceased, then the Executor or Executors of the Deceased, or some other Person, shall enter into the like Recognizance as above, immediately upon proving the said Will, or otherwise the said *Negro* shall not be deemed free.

IV. AND be it further enacted by the Authority aforesaid, That if any free *Negro*, fit and able to work, shall neglect so to do, and loiter and mispend his or her Time, or wander from Place to Place, any two Magistrates next adjoining are hereby impowered and required to bind out to Service such *Negro*, from Year to Year, as to them shall seem meet. And if any *Negro* be set free under the Age of Twenty-one Years, or where there be any Children of free *Negroes*, it shall and may be lawful for the Overseers of the Poor, and they are hereby ordered, with the Assent of two or more Justices of the Peace, to bind out to Service such *Negro* or *Negroes*, a Man Child until he comes to the Age of Twenty-four Years, and a Woman Child to the Age of Twenty-one.

V. AND be it further enacted by the Authority aforesaid, That if any free *Negro* or *Mulatto* shall harbour or entertain any *Negro*, *Indian* or *Mulatto* Slave, or Servant, in his or her House, without the Leave and Consent of their respective Master or Mistrefs, he or she shall forfeit and pay the Sum of *Five Shillings* for the first Hour, and *One Shilling* for every Hour afterwards, they shall be so harboured or entertained. And if any free *Negro* or *Mulatto* shall barter, trade or any ways deal with any *Negro* or other Slave, without Licence had as aforesaid, he or she shall make Restitution to the Party grieved, and also be publicly whipped, not exceeding Twenty-one Lashes.

VI. AND be it further enacted by the Authority aforesaid, That if any free *Negro* or *Mulatto* shall refuse or be unable to pay his or her Fine or Forfeiture as aforesaid, it shall and may be lawful to and for the Justice, before whom such Matter is tried, to order Satisfaction by Servitude.

VII. AND

Security to
be given by
the Master,
on setting a
Negro free.

Or by the
Executors.

Free *Negroes*,
neglecting to
work, to
be bound
out by the
Year.
Free *Negro*
Children to
be bound
out, &c.

Penalty on
free *Negroes*
entertaining
Slaves, &c.

or trading
with them.

Penalties to
be satisfied
by Servitude.

VII. *AND be it further enacted by the Authority aforesaid*, That no Minister, Pastor or Magistrate, or other Person whatsoever, who, according to the Laws of this Province, usually join People in Marriage, shall, upon any Pretence whatsoever, join in Marriage any *Negro* with any white Person, on the Penalty of *One Hundred Pounds*. Penalty on joining White and Black in Marriage.

VIII. *AND be it further enacted by the Authority aforesaid*, That if any white Man or Woman shall cohabit or dwell with any *Negro*, under Pretence of being married, such white Man or Woman shall forfeit and pay the Sum of *Thirty Pounds*, or be sold for a Servant, not exceeding Seven Years, by the Justices of the respective County Courts; and the Child or Children of such white Man or Woman shall be put out to Service as above directed, until they come to the Age of *Thirty-one Years*: And if any free *Negro* Man or Woman shall intermarry with a white Woman or Man, such *Negro* shall become Slave during Life, to be sold by Order of the Justices of the Quarter Sessions of the respective County. And if any free *Negro* Man or Woman shall commit Fornication or Adultery with any white Man or Woman, such *Negro* or *Negroes* shall be sold Servants for Seven Years as aforesaid, and the white Man or Woman shall be punished as the Law directs in Cases of Adultery or Fornication. Penalty on a white Man or Woman cohabiting with a *Negro*. Their Children to be put to service. Penalty on a *Negro* committing Fornication with a white Person.

IX. *AND* whereas a good Regulation and suitable Management of *Negroes* is very much conducive to the Safety and Peace, as well as Advantage of those Countries, which are possessed of any Number of them, *Therefore be it enacted by the Authority aforesaid*, That if any *Negro* shall at any Time be found tippling or drinking in or near any House or Shop where strong Liquors are sold, or be found out of, or absent from, his Master or Mistress's House, after Nine o'Clock at Night, without Licence from his said Master or Mistress, shall be whipped on his or her bare Back, at his Master or Owner's Cost, not exceeding Ten Lashes, by Order of any Justice of the Peace. Punishment on *Negroes* tippling from Home, after Nine at Night.

X. *AND be it further enacted by the Authority aforesaid*, That whoever shall take up any *Negro* above Ten Miles from his or her Master or Mistress's Habitation, who hath not Leave in Writing from his or her said Master or Mistress, or are not known to be on their Service, he, she or they, so taken up, shall be whipped by Order of any Justice of the Peace, on the bare Back, at the Owner's Charge, not exceeding Ten Lashes; and the Taker-up shall have for his Reward *Five Shillings*, with reasonable Charges for carrying him or them Home, paid by the Master or Mistress of the said *Negro*. *Negroes*, found Ten Miles from Home, to be taken up, &c.

XI. *AND be it enacted by the Authority aforesaid*, That no Master or Mistress of any *Negro* shall hereafter, for any Reward, Sum or Sums of Money, stipulated and agreed upon betwixt them, or upon any other Pretence whatsoever, permit or suffer his or their *Negroes* to ramble about, under Pretence of getting Work, nor give Liberty to their *Negroes* to seek their own Employ, and so go to Work at their own Wills, under the Penalty of *Twenty Shillings* for every such Offence. No Owner to permit his *Negro* to seek his own Employ, on Penalty, &c.

XII. *AND be it further enacted by the Authority aforesaid*, That no Person or Persons whatsoever shall employ, or knowingly harbour, conceal or entertain, other Peoples Slaves at their Houses, Out-Houses or Plantations, without the Master or Owner's Consent, excepting in Distress of Weather, or other extraordinary Occasion, under the Penalty of *Thirty Shillings*, for every Twenty-four Hours he or she shall entertain or harbour him or them as aforesaid. Penalty on any Person's entertaining a Slave.

XIII. *AND be it further enacted by the Authority aforesaid*, That all the Fines, Forfeitures and Penalties, arising by this Act, shall go, one Half thereof for and towards the paying for *Negroes* executed for capital Offences, according to the Direction of this Act, to be paid into the Hands of the Provincial Treasurer, and the other Half thereof to the Prosecutor; and shall be recovered in Manner following, *viz.* all those under *Forty Shillings*, as other Debts of the like Value are recovered, and those above *Forty Shillings*, to be recovered in any Court of Record in this Province, by Bill, Plaint or Information, where no more than one Imparlance shall be allowed. How the Fines, &c. are to be recovered and applied.

Passed March 5, 1725-26.—Recorded A, Vol. II. p. 338.

C A P. IV.

An A C T for the better regulating the Retailers of Liquors near the Iron Works, and elsewhere.

Passed *March 5, 1725-26.*—Recorded A, Vol. II. p. 341.—Expired.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1726, in the Thirteenth Year of GEORGE I. and continued by Adjournments to the Twenty-fifth Day of *August* following.

C A P. I.

An A C T for the more effectual encouraging the raising of good Hemp; and for continuing an Excise on all Wine, Rum, Brandy and other Spirits, retailed within this Province.

Passed *May 6, 1727.*—Recorded A, Vol. II. p. 343.—Expired.

C A P. II.

An A C T more effectually to prevent unfair Practices in the packing of Beef and Pork for Exportation.

Preamble.

WHEREAS an Act was passed in this Province, in the Twelfth Year of the Reign of the late King WILLIAM the Third, intituled, *An Act for the ascertaining the Dimensions of Cask, and for the true packing of Meat for Transportation*: And whereas the Frauds and Abuses provided against and intended to be prevented by the said Act, relating to the Package of Beef and Pork, and Dimensions of Cask, are still complained of: For the preventing whereof, for the Time to come, BE IT ENACTED by the Honourable PATRICK GORDON, Esq; Lieutenant-Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all tight Cask, made in this Province, for Beef and Pork for Exportation, shall be made of good, sound, well seasoned White-Oak Timber, and shall contain as follows, *viz.* The Barrel Thirty-one Gallons and a Half, Wine Measure, and the Half Barrel Sixteen Gallons: And every Cooper, residing or hereafter to reside within this Province, shall, each one for himself, provide and have a distinguishable Brand-Mark, and shall therewith brand each and every tight Barrel and Half Barrel he shall make, for containing of Beef or Pork for Exportation: But before any such Cooper shall brand any Barrel or Half Barrel as aforesaid, he shall cause such his Brand-Mark, together with his Name and Place of Abode, to be entered with the Officer hereafter appointed by this Act; who is hereby required to enter the same in a Book, provided and kept by him for that Purpose, for entering of which the Officer shall have *One Shilling* each, and no more: And every Cooper offending in all or any of the Premises, on due Proof made, shall forfeit and pay the Sum of *Ten Shillings* for every such Offence.

The Contents of the Cask.

The Cooper to brand his Cask, &c. and enter the Brand and his Name with the Officer, on Penalty, &c.

How good Beef and Pork shall be packed.

II. *AND be it enacted by the Authority aforesaid*, That all Beef and Pork, designed for Exportation from and after the Twentieth Day of *September*, One Thousand Seven Hundred and Twenty-seven, shall be sound and merchantable Meat, well packed and secured with Salt and Pickle, and shall not have more than too Heads of Pork in one Barrel, nor more than one Head in Half a Barrel.

III. *AND be it enacted by the Authority aforesaid*, That no Merchant or Person whatsoever shall lade or ship any Beef or Pork for Exportation out of this Province, before he shall first submit the same to the View and Examination of the

the Officer, or his Deputy, appointed by the Direction of this Act, who shall search the same, by opening, unpacking and re-packing, in order to judge of the Soundness and true Package of the Meat, as well as the Contents of the Cask; and if the said Officer or his Deputy shall find the said Beef or Pork to be merchantable, and the Cask to contain, the Barrel Thirty-one Gallons and a Half, Wine Measure, and the Half Barrel Sixteen Gallons, according to the Direction of this Act, he shall, after packing, or re-packing and heading, brand every such Barrel and Half Barrel on the Quarter, with a Provincial Brand-Mark, which the said Officer shall have and provide for that Purpose, sufficient to impress, in a fair and distinguishable Manner, the Arms of the Province of *Pennsylvania*, as in the Margin.



No Person to export Beef and Pork before viewed by the Officer.

The Barrel to be branded.

IV. *PROVIDED* always nevertheless, That if any Dispute shall happen to arise between the said Officer and Possessor of such Beef or Pork, concerning the Soundness or Package of the same, or Contents of the Cask, Application being made to one of the Magistrates of the City or County where the said Dispute arises, he shall issue his Warrant to two indifferent judicious Persons of Skill and Integrity, to view and search the said Beef or Pork, and make Report forthwith, according as they find the same; and the said Magistrate is hereby impowered and required to give Judgment accordingly: And in case the said Beef or Pork is judged not fit to be exported, the said Magistrate shall order it not to be exported, under the Penalty of Forfeiture of all such Beef or Pork; and shall also award and order the Owner or Possessor of the said Beef or Pork, to pay the said Officer *Five Shillings per Cask*, for all such Beef or Pork as shall be adjudged not fit for Exportation as aforesaid, with reasonable Charges. But in case the said Beef or Pork, upon Trial, shall be found to be good and merchantable, according to the Direction of this Act, the Charges of Prosecution shall be paid by the Officer.

On any Dispute arising, how to proceed.

V. *AND* be it enacted by the Authority aforesaid, That the Officer hereafter appointed, or to be appointed, or his Deputy, shall have and receive, for the viewing, searching and packing, or re-packing heading and branding, of every Barrel of Beef or Pork *One Shilling and Six-pence*, and for every Half Barrel *One Shilling*, and no more; to be paid, one Half by the Buyer or Shipper, and the other Half by the Seller.

The Officer's Fees.

VI. *AND* be it enacted by the Authority aforesaid, That the said Officer, or his Deputies, shall have full Power and Authority by Virtue of this Act, and without any further or other Warrant, to enter on board any Ship, Sloop or Vessel whatsoever, lying or being in any Port or Place in this Province, and into any House, Store or Places whatsoever, within the Province aforesaid, to search for and make Discovery of any Beef or Pork shipped or intended to be shipped for Exportation; and if the Owner or Possessor, or their Servants, or others, shall deny him or them Entrance, or if the said Officer or his Deputies shall be any ways molested in making such Discovery as aforesaid, or if such Merchant or Owner shall refuse to permit the said Officer or his Deputies to view and examine any Beef or Pork, or not permit him or them to brand the same, if merchantable, according to the Direction of this Act, every such Person, so offending, shall forfeit and pay the Sum of *Ten Pounds*: Or shall ship off any Cask or Casks of Beef or Pork not branded with the Provincial Brand-Mark aforesaid, every such Person, so offending, shall forfeit and pay the Sum of *Ten Shillings* for every Cask so shipped.

His Power and Duty.

VII. *AND* be it enacted by the Authority aforesaid, That *Nathaniel Griffiths*, of *Philadelphia*, Cooper, shall be and is hereby appointed the said Officer for viewing, searching, packing, or re-packing and branding as aforesaid, all Beef and Pork intended for Exportation, according to the Direction of this present Act. And if the said *Nathaniel Griffiths*, or other Person hereafter appointed to be the Officer aforesaid, shall, by any Accident be rendered incapable, or neglect to execute the said Office, or shall happen to die before or after the Time of putting this present Act into Execution, then, and so often, and from Time to Time, it shall and may be lawful to and for the Mayor, together with any two Aldermen, of the City of *Philadelphia*, to supply his Place by some other fit and capable Person; who shall thereupon be the Officer for putting this Act in Execution until the Assembly appoints another.

The Officer appointed and his Successors, by whom.

VIII. BUT

The Officer
to make
Oath or
Affirmation.

VIII. BUT before the said *Nathaniel Griffiths*, or any other Person so to be appointed the Officer aforesaid, shall do any Thing in the Execution of his Office, he shall first make Oath or Affirmation, before any Justice of the Peace of any County of this Province, faithfully and impartially to perform his Duty and Trust, to the best of his Capacity, according to the Direction of this present Act.

And may ap-
point Depu-
ties.

IX. *AND be it enacted by the Authority aforesaid*, That the said *Nathaniel Griffiths*, or any other Person appointed the Officer aforesaid, is hereby empowered to appoint Deputies in the respective Counties of this Province, for whom he or they shall be accountable; which said Deputies are hereby fully empowered to act as Deputy-Officers for the viewing, searching, packing and branding of Beef and Pork, in Manner aforesaid, in their respective Counties, to all Intents and Purposes, as fully as the said *Nathaniel Griffiths* could do by Virtue of this Act.

Penalty on
counterfeit-
ing the
Brand-Mark
and using the
same.

X. *AND be it enacted by the Authority aforesaid*, That if any Person or Persons shall counterfeit the said Provincial Brand-Mark, or impress or brand the same on any Cask of Beef or Pork, he, she or they, being thereof legally convicted, shall, for the first Offence, forfeit and pay the Sum of *Five Pounds*, for the second Offence, the Sum of *Ten Pounds*, and for the third, and every other such Offence, the Offender shall be committed to Goal, and sentenced to the Pillory, there to stand the Space of two Hours, on a Market-Day, in any City, Borough or Town of the respective Counties of this Province, where the Fact was committed.

The Appro-
priation of
the Fines,
and how to
be recovered.

XI. *AND be it enacted by the Authority aforesaid*, That all and singular the Fines, Forfeitures and Penalties, in and by this Act set and appointed, shall be, one Half to the Governor, for the Support of Government, and the other Half thereof to the Informer, or him or them that will sue for the same; if under *Forty Shillings*, to be recovered as Debts under *Forty Shillings* are usually recovered; if above *Forty Shillings*, to be sued for and recovered by Bill, Plaint or Information, in any Court of Record within this Province, wherein no Effoin, Protection or Wager of Law, nor any more than one Imparlance, shall be allowed.

Passed August 18, 1727.—Recorded A, Vol. II. p. 345.

C A P. III.

A Supplementary ACT to the Act for ascertaining the Number of Members of Assembly, and to regulate Elections.

Passed August 18, 1727.—Recorded A, Vol. II. p. 348.—Repealed by 19 GEO. II. Cap. II. Sect. 8.

C A P. IV.

An ACT for establishing a Ferry from the City of *Philadelphia* to the Landing, at or near the House of *William Cooper*; and another from or near the City Bounds to *Gloucester*, in *New-Jersey*.

Passed August 18, 1727.—Recorded A, Vol. II. p. 349.—Expired.

C A P. V.

An ACT for the establishing of Courts of Judicature in this Province.

Passed August 27, 1727.—Recorded A, Vol. II. p. 352.—Repealed in Council.

C A P. VI.

A Supplement to the ACT for taking Lands in Execution for the Payment of Debts.

Passed August 27, 1727.—Recorded A, Vol. II. p. 353.—Repealed by 4 GEO. III. Cap. 3.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1728, in the Second Year of GEORGE II. and continued by Adjournments to the Tenth Day of *May* following.

C A P. I.

An ACT for emitting of *Thirty Thousand Pounds*, in Bills of Credit, for the better Support of Government, and the Trade of this Province.

Passed May 10, 1729.—Recorded A, Vol. II. p. 371.—Obsolete.

C A P. II.

An ACT for erecting of Pounds in each Township of this Province.

BE IT ENACTED by the Honourable PATRICK GORDON, Esq; Lieutenant-Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That it shall and may be lawful for the Inhabitants of the respective Townships within this Province, who are Owners or Possessors of Land, to meet on the Twentieth Day of the Month called *May*, unless it happens on the first Day of the Week, then on the next Day after, yearly, or at such other Time as the Majority of those that meet may appoint, at the most public Place of each respective Township, in every County within this Province, and there the Majority of those so met shall choose a fit Person to be Pound-keeper, in each Township, for the Year ensuing; which Pound-keeper, where no Pound is already erected, shall agree with some Person, forthwith to build or erect a good and sufficient Pound, in some fit and convenient Place within the said Township, where the same shall be agreed upon by the Majority of the Persons aforesaid, being then present: A Memorandum or Minute of which Appointment shall be taken and kept by the Constable of the said respective Townships, and returned to the next County Court, to be held for the County in which the said respective Townships do lie; the Clerk of which County Court shall enter the same among the Proceedings of the said Court, and shall forthwith affix public Notice, in Writing, on the Door of the Court-House, of the Name of each respective Pound-keeper, and the Places where the same are erected.

The Inhabitants of every Township to choose a Pound-keeper, who may agree to erect a Pound where there is none.

Public Notice to be given where the Pound is erected.

II. AND be it further enacted by the Authority aforesaid, That whoever shall take up any stray Horse or Horses, Cattle or Sheep, trespassing within their Inclosures, within this Province, shall, within the Space of Twenty-four Hours after such taking up, give Notice to the Owner or Owners of such Horse, Cattle, &c. if he or she can be readily found, and if the Owner shall, upon such Notice, neglect or refuse to make reasonable Satisfaction to the Party grieved, as by them shall be agreed upon, or if no Owner be found, then the said Taker-up, shall take or send such trespassing Creature or Creatures to the Pound-keeper of the Township where the Trespass was committed, who shall receive the same immediately into his Custody, and shall feed them duly with Grass or good Hay and Water, during the Time of their Continuance in the Pound, and shall pay to the Party grieved, such Damages as shall be assessed by any two indifferent Neighbours living near to the Place where the Trespass was committed, to be nominated by the said Pound-keeper.

Creatures trespassing, to be delivered to the Pound-keeper.

His Duty.

III. AND be it further enacted by the Authority aforesaid, That after any Horses, Cattle or Sheep shall be delivered to any Pound-keeper, he shall forthwith enter the Kind, Colour and Marks of such Creatures, in a Book, by him to

To give public Notice within Ten Days.

be kept for that Purpose, together with the Day of his receiving the same, and from whom he received them; and thereupon shall, within Ten Days, send an Account in Writing to the Clerk of the County Court, where such Township lies, who shall affix the Notice in public View in his Office; and the Pound-keeper shall also affix Notice in Writing at the Court-House of the same County, of the Kind of Creatures so impounded, together with their Marks described at large, to the End that the Owners of such trespassing Creatures may the more readily be informed of, and restored to, their Property: And if the Owner appear and make out his Right to the said Creatures, the same shall forthwith be delivered to him, he paying to the Pound-keeper the Sum of *One Shilling*, for taking in and delivering out each Creature, together with the Damages paid to the Taker-up of such trespassing Creatures, and the Sum of *Six-pence* a Head for Horses or horned Beasts, for each Day, and *One Penny* a Head for Sheep, for each Day, Charges allowed by this Act for feeding the said Creatures, and publishing their Kind and Marks, in the Manner herein directed; and also the Sum of *Six-pence*, to the Use of the Clerk of the County Court, for entering and filing the Certificate of the Pound-keeper. And if no Owner shall appear to claim the Creatures so impounded, within the Space of Three Months after impounding, it shall and may be lawful to and for the said Pound-keeper, by Warrant from one Justice of the Peace of the said County, who is hereby required to grant the same, to expose such trespassing Creatures to Sale, by public Vendue, for the most that can be got for the same, after Ten Days public Notice given of the Time and Place of Sale; and, out of the Money arising by such Sale, the said Pound-keeper shall and may retain to himself for publishing and booking each Horse *Two Shillings*, for each horned Beast *One Shilling and Six-pence*, and for each Sheep *Nine-pence*; and likewise all such Monies as he hath paid to the Taker-up of such trespassing Creatures on Account of his Damages, or other Charges allowed by this Act: And shall likewise retain to himself the Sum of *Six-pence* for every Day he shall keep such trespassing Creatures in the Pound, if the same be a Horse or horned Beast, and *One Penny* each Day for each Sheep. And the said Pound-keeper shall moreover be allowed the Sum of *Ten per Cent.* on all Sales made by him according to the Directions of this Act, and shall keep a plain Account of all his Proceedings, and return the same, together with the Overplus Money, if any be remaining, to the Justices, at their next County Court, to be held for the said County, who shall order the same to be paid to the Overseers of the Poor of the Township where the Creature was impounded, for the Use of the same Township, after the Costs paid to the Clerk for his Service therein.

IV. *PROVIDED* also, That if the right Owner of any Beast sold as aforesaid, appear within Nine Months after Sale made as aforesaid, and prove his Property to any such Creature sold in Pursuance of this Act, before the Justices of the Peace of said County, at the next Court, they shall thereupon order Re-payment of the Money arising by such Sale to the said Owner, all reasonable Charges first deducted.

V. *AND* be it further enacted by the Authority aforesaid, That if any Person or Persons shall, by Force or otherwise, without the Leave of the Pound-keeper, or by due Order of Law, take away any trespassing Creature, impounded according to the Directions of this Act, and shall be legally thereof convicted, he, she or they, shall forfeit the Sum of *Five Pounds*, to be applied to the Use of the Poor of that Township, in which the said Creature was impounded. And that it shall and may be lawful for the Overseers of the Poor of the respective Townships within this Province, and they are hereby enjoined and required, to assess the Inhabitants of the respective Townships, in the same Manner as they are directed by the Act for the Relief of the Poor, for such Sum or Sums of Money as may or shall be necessary for supplying the Charge of building and maintaining the said respective Pounds, and to collect the same, to be employed as shall be directed by the Majority of the Freeholders of the respective Townships at their Town Meetings, for and towards the building and maintaining of Pounds, and no other Use whatsoever: And if any Person or Persons shall refuse to pay their respective Rates as taxed, that then the said Overseers shall make Complaint thereof to any one Justice within the said County where he resides, who is hereby required forthwith to issue out his Warrant to the Overseers of the Poor of the Township where

What Rates
shall be taken
by the
Pound-
keeper.

No Owner
appearing
within Three
Months, the
Creatures
may be sold,
and the
Pound-keep-
er retain his
Rates.

The Over-
plus Money
to go to the
Overseers of
the Poor.

The Owner
appearing
within Nine
Months, Re-
payment may
be ordered.

Forfeiture on
taking away
a Creature
impounded.

Overseers of
the Poor to
assess Money
on the Inha-
bitants for
building a
Pound.

Persons re-
fusing to pay,
Distress may
be made on
their Goods,
&c.

where such Default is made, to make Distress upon the Offender's Goods and Chattels, who shall immediately make Sale thereof, for paying the said Assessment, and Charges of Distress, and return the Overplus, if any be, to the Owner.

VI. *AND be it further enacted by the Authority aforesaid*, That to prevent Disputes about the Sufficiency of Fences, all Fences shall be esteemed lawful or sufficient, though they be not close at the Bottom, so that the Distance from the Ground to the Bottom thereof exceed not Nine Inches, and that they be Four Feet and a Half high, and not under. The Height of lawful Fences.

VII. *AND be it likewise enacted*, That the former Act made for erecting Pounds, passed in the Seventh Year of the late King GEORGE the First, and every Part thereof, shall be made void and repealed by this Act; any Thing in the said former Act contained to the contrary in any wise notwithstanding. The former Act relating to Pounds repealed.

Passed May 10, 1729.—Recorded A, Vol. II. p. 359.

C A P. III.

A SUPPLEMENT to that Part of the Act, for raising County Rates and Levies, relating to the killing of Wolves.

WHEREAS by a Paragraph in an Act of General Assembly of this Province, intituled, *An Act for raising County Rates and Levies*, it is provided and enacted, That there shall be paid, for every Dog or Bitch Wolf *Fifteen Shillings*, for every Wolf Puppy or Whelp *Seven Shillings and Six-pence*, killed within the inhabited Parts of this Province, according to the Directions of the said Act: But whereas it is found by Experience, that a greater Encouragement for killing Wolves would much better answer the Intent of the said Law, and be of greater Service to the Inhabitants of this Province: BE IT ENACTED, That there shall be paid for all Wolves, killed in the Manner directed and prescribed by the aforesaid Act of Assembly, the further Sum of *Five Shillings*, for every grown Dog or Bitch Wolf, and the further Sum of *Two Shillings and Six-pence*, for every Wolf Puppy or Whelp, killed after the Publication of this Act, over and above the Allowance mentioned in the said County Levy Act, to be paid upon such Proof made, and in the Manner therein directed. 11 GEO. I. Cap. 3. Sect. 5.
Reward for killing Wolves.

Passed May 10, 1729.—Recorded A, Vol. II. p. 361.

C A P. IV.

A SUPPLEMENT to the Act, intituled, *An Act to prevent Swine running at large*.

WHEREAS by the said Act, the Relief provided for Persons suffering by Hogs trespassing in their Fields or Inclosures, is limited to the Extent of Fourteen Miles from the navigable Parts of the River *Delaware*: Now, forasmuch as the Country is become more populous, and it appears necessary to provide the same Remedy for the Inhabitants living in the other Parts of this Province: THEREFORE BE IT ENACTED, &c. That the same Penalties, Rules and Orders, enacted and directed to be observed by the aforesaid Act, within Fourteen Miles of the navigable Parts of *Delaware* River, shall, within one Month after the Publication hereof, be in Force, and extended throughout the Province of *Pennsylvania*, as fully and amply as if the same Act were again herein repeated and enacted; any Limitation in the aforesaid Act, for preventing Swine running at large, to the contrary in any wise notwithstanding. 4 ANNE.
Former Act extended throughout the Province.

Passed May 10, 1729.—Recorded A, Vol. II. p. 361.

C A P. V.

An ACT for laying a Duty on *Negroes* imported into this Province.

Passed May 10, 1729.—Recorded A, Vol. II. p. 362.—Repealed by Act of Assembly, 1 GEO. III. Cap. X. Sect. 16.

C A P. VI.

An ACT for continuing and establishing a Ferry from the Landing Place of *Joseph Kirkbride*, over *Delaware* River, at the Falls.

Passed May 10, 1729.—Recorded A, Vol. II. p. 365.—Expired.

C A P.

C A P. VII.

An ACT for erecting the Upper Parts of the Province of *Pennsylvania*, lying towards *Sasquehanna*, *Conestogoe*, *Donnegal*, &c. into a County.

Preamble.

WHEREAS a great Number of the Inhabitants of the Upper Parts of *Chester* County have, by their Petition, humbly represented to the Governor and Assembly of this Province, the great Hardships they lie under, by being at so great a Distance from the Town of *Chester*, where the Courts of Justice are held, and the public Offices kept; and how hard and difficult it is for the sober and quiet Inhabitants of that Part of the County, to secure themselves against the Thefts and Abuses almost daily committed upon them by idle and dissolute Persons, who resort to the remote Parts of the Province, and, by Reason of the great Distance from a Court or Prison, do frequently find Means of making their Escape: For the removing which Inconveniency, and Relief of the said Inhabitants, BE IT ENACTED by the Honourable PATRICK GORDON, Esq; Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all and singular the Lands within the Province of *Pennsylvania*, lying to the Northward of *Octoraro* Creek, and to the Westward of a Line of marked Trees, running from the North Branch of the said *Octoraro* Creek, Northeasterly to the River *Schuylkill*, be erected into a County, and the same is hereby erected into a County, named, and from henceforth to be called LANCASTER County; and the said *Octoraro* Creek, the Line of marked Trees, and the River *Schuylkill* aforesaid, shall be the Boundary Line or Division between the said County and the Counties of *Chester* and *Philadelphia*.

Boundaries of the County of Lancaster.

II. AND be it further enacted by the Authority aforesaid, That the said County of *Lancaster*, shall have and enjoy all and singular the Jurisdictions, Powers, Rights, Liberties, Privileges and Immunities whatsoever, which any other County within the Province of *Pennsylvania* doth, may or ought to enjoy, by any Charter of Privileges, or the Laws of this Province, or by any other Ways or Means whatsoever, excepting only in the Number of Representatives to serve in the General Assembly of this Province, in which Case, *It is hereby provided and enacted by the Authority aforesaid*, That, until it shall be otherwise ordered by the Governor and Assembly of this Province, the Freemen and Inhabitants of the said County, qualified by the Laws of this Province to elect, shall annually meet at or near the Court-House of the said County, at the same Time the other Counties of this Province shall meet for such like Purpose, or at such Place where the Courts shall be held, until such Court-House shall be erected, and there proceed to choose Inspectors, and to elect four Representatives or Delegates to serve them in Assembly, in the same Manner, as by the said Charter and Laws of this Province is directed: Which said four Representatives, when so chosen, shall be Members of the General Assembly of *Pennsylvania*, and sit and act as such, as fully and freely as any of the Representatives for the other Counties within this Province do, may, can or ought to do.

The Inhabitants thereof to elect four Representatives, &c.

III. AND be it further enacted by the Authority aforesaid, That all Taxes already laid within the Bounds of the said County of *Lancaster*, by an Act of General Assembly of this Province, which are not already paid, shall be collected by the respective Collectors within the Bounds aforesaid, and paid into the Hands of the Treasurer of *Chester* County; and that all Persons concerned in the levying, receiving and paying the said Taxes, shall have the same Power and Authority, and be under the same Penalties and Restrictions, for the collecting and paying the same, as by the said Acts, by which the said Taxes were assessed, are expressed and directed, until the Whole be collected and paid as aforesaid.

Taxes already laid in the said County, are to be collected, &c.

Courts, when to be held for the said County.

IV. AND be it further enacted by the Authority aforesaid, That the several Courts of General Quarter Sessions of the Peace and Goal Delivery, and the Courts of Common Pleas for the said County of *Lancaster*, shall be holden and kept on the first *Tuesday* in the Months of *February*, *May*, *August* and *November*, in every Year, at some proper Place within the said County, until a convenient Court-

Court-House shall be built; and when the same is built and erected in the County aforesaid, the said several Courts shall then be holden and kept at the said Court-House, on the Days before mentioned: And the Election of Representatives to serve in General Assembly, Assessors, and all other Officers of the said County, Elections, who are or shall be appointed to be annually elected, shall be made and elected at or near the said Court-House, at the same Time and in the same Manner, as by the Charter of Privileges and Laws of the Province of *Pennsylvania*, is directed to be done in the other Counties of this Province. And it shall be lawful for the Freemen of the said County, for the first Year, to choose three Persons for Commissioners, for raising County Rates and Levies for the said County.

V. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for *Caleb Pierce, John Wright, Thomas Edwards, and James Mitchell*, or any three of them, to purchase and take Assurance to them and their Heirs, of a Piece of Land, situate in some convenient Place in the said County, to be approved of by the Governor, in Trust and for the Use of the said County, and thereon to erect and build, or cause to be erected and built, a Court-House and Prison, sufficient to accommodate the public Service of the said County, for the Ease and Conveniency of the Inhabitants. Trustees appointed to purchase Land, for building a Court-House and Prison.

VI. *AND be it further enacted by the Authority aforesaid*, That for the defraying the Charges of purchasing the Land, building and erecting the Court-House and Prison aforesaid, it shall and may be lawful to and for the Commissioners and Assessors of the said County, or a Majority of them, who are hereby required to assess and levy so much Money as the Trustees, or any three of them, shall judge necessary for purchasing the Land and finishing the said Court-House and Prison. *Provided always*, The Sum of Money so raised, do not exceed *Three Hundred Pounds*, current Money of the Province. The Charge whereof to be defrayed by an Assessment on the Inhabitants.

VII. *PROVIDED always, and be it further enacted by the Authority aforesaid*, That no Action or Suit, now commenced or depending in the County of *Chester*, against any Person living within the Bounds of the said County of *Lancaster*, shall be stayed or discontinued by this Act, or by any Thing herein contained, but that the same Actions already commenced or depending, may be prosecuted, and Judgment thereupon rendered, as if this Act had not been made: And that it shall and may be lawful for the Justices of *Chester* County to issue any judicial Process, to be directed to the Sheriff of *Lancaster* County, for carrying on and obtaining the Effect of their Suits; which Sheriff shall be obliged to yield Obedience in executing of the said Writs, and make due Return before the Justices of the Court of the said County of *Chester*, as if the Parties had been living and residing within the same. No Action now depending in *Chester* County, against any Inhabitants of *Lancaster*, to be discontinued.

Passed May 10, 1729.—Recorded A, Vol. II. p. 366.

C A P. VIII.

An ACT laying a Duty on Foreigners, and *Irish* Servants, imported into this Province.

Passed May 10, 1729.—Recorded A, Vol. II. p. 368.—Repealed 3 Geo. II.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1729, in the Third Year of GEORGE II. and continued by Adjournments to the Fifteenth Day of *August* following.

C A P. I.

An ACT for regulating Pedlars, Vendues, &c.

Preamble.

WHEREAS of late many idle and vagrant Persons are come into this Province, and, under Pretence of being Hawkers or Pedlars, and carrying Goods from House to House within this Province to sell, have greatly imposed upon many People, as well in the Quality as in the Price of the Goods, and under Colour of selling their Wares and Merchandizes, have entered into the Houses of many honest and sober People, in the Absence of the Owner or Owners of the said Houses, and committed Felonies and other Misdemeanors, to the great Prejudice of the Inhabitants of this Province: For remedying of which Inconveniencies, and preventing such evil Practices, and to the Intent that no Persons may be admitted to follow the Business of Hawkers or Pedlars within this Province, but Persons of known Honesty, and civil Behaviour, BE IT ENACTED by the Honourable PATRICK GORDON, Esq; Lieutenant-Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Representatives of the Freemen of the Province aforesaid, in General Assembly met, and by the Authority of the same, That after the Twenty-fifth Day of *March* next, no Person or Persons whatsoever, shall follow or employ him, her or themselves, in the Business or Employment of a Hawker, Pedlar or Petty-chapman, or in going from Town to Town, or to other Mens Houses, and travelling with Horse or Horses, Ases or Asses, Mule or Mules, or otherwise, within the Province of *Pennsylvania*, except as herein after is expected, or carry to sell or expose to Sale any Goods, Wares or Merchandizes, within the Province aforesaid, until such Person or Persons shall have obtained a Recommendation from the Justices of the County Court where he or she dwells, certifying their Opinion of the Honesty of the Person recommended, and that he or she is a Liver within this Province, and intends to travel with one, two or more Horse or Horses, or other Beasts of Burthen, or on Foot, and shall thereupon have obtained a Licence from the Governor, and shall have given Bond in the Prothonotary's Office of the said County Court, in his Majesty's Name, with one Surety at least, in any Sum not exceeding *Forty Pounds*; conditioned, that such Person or Persons shall be of good Behaviour during the Continuance of the said Licence, and shall well and duly satisfy and pay all such Taxes and Duties as shall be legally assessed upon him, her or them, within the said County where he, she or they shall obtain the said Recommendation; for which Licence there shall be paid to the Governor the Sum *Twenty-five Shillings*, by every Person obtaining a Licence to travel with a Horse, Ases, Mule, or other Beast of Burthen; and the Sum of *Fifteen Shillings* for every Person licensed to travel on Foot.

No Person to follow the Business of Pedling, without Licence.

Penalty on Persons not qualified, that shall be found travelling as Pedlars, &c.

II. AND if any Person or Persons, not being qualified as aforesaid, shall be found hawking, pedling, or travelling from House to House, to sell Goods as a Hawker, Pedlar, or Petty-chapman, he or she so offending, if travelling with one or more Horses, shall forfeit the Sum of *Fifteen Pounds*; and if travelling on Foot, shall forfeit the Sum of *Ten Pounds*; one Moiety thereof to the Governor, for the Support of Government, and the other Moiety to any Person who will sue for the same, by any Action of Debt, Bill, Complaint or Information, in any Court

Court of Record within this Province, wherein no Effoin, Protection or Wager of Law, nor more than one Imparlance, shall be allowed. And that every Person so trading, who, upon Demand made by any Justice of the Peace, Mayor, Constable, or other Officer of the Peace, of any Town, Place or County within this Province, where he or she shall so trade, shall refuse to produce and shew unto such Justice or Officer of the Peace, his or her Licence for so trading, to be granted as aforesaid, that then the Person, so refusing, shall forfeit *Forty Shillings*, to be recovered in Manner aforesaid, and for Non-payment thereof, shall suffer as a common Vagrant.

III. *PROVIDED* always, and it is hereby further enacted, That nothing herein contained shall extend, or be construed to extend, to hinder any Person or Persons from selling or exposing to Sale, any Sort of Goods or Merchandizes in any public Market or Fair within this Province, or to hinder any Persons from carrying about from Town to Town, and from House to House, any Goods, Wares or Merchandizes, being of the Growth, Product or Manufacture of this Province; but that such Person or Persons may do therein as they lawfully might have done before the making of this Act; any Thing herein contained to the contrary notwithstanding.

IV. *AND* be it hereby further enacted, That if any Dispute shall happen to arise, concerning the said Goods, Wares or Merchandizes, the Person or Persons, so carrying about or exposing the same to Sale in Manner aforesaid, shall be obliged to declare, upon Oath or Affirmation, before any Justice of the Peace, or other Magistrate of the County, Town or Place where he, she or they shall carry about or offer the same to Sale, whether such Goods, Wares or Merchandizes be of the Growth, Product or Manufacture of this Province.

V. *AND* whereas sundry Persons, for Lucre of Gain, and in Contempt of the Laws of this Province, and the Ordinances and good Rules of the City of *Philadelphia*, have taken upon themselves to set up Lotteries, and also to sell and retail Goods, Wares and Merchandizes, by small Parcels, by Way of Vendue, at unseasonable Times, in the public Streets of the said City of *Philadelphia*, in Deceit of the Buyers, and to the great Annoyance of its Inhabitants, by Reason of the many idle and disorderly Persons assembling themselves together in the Night-time in the open Streets, at the said Vendues or public Sales: For the Redressing of which Abuses, and the Preservation of the Peace within the said City, and to prevent the many Impositions which attend such Practices; *Be it enacted by the Authority aforesaid*, That if any Person or Persons shall presume or take upon him, her or themselves, from and after the Publication of this Act, upon any Pre-tence whatsoever, privately or publicly to set up, exercise or keep, any Lottery or Lotteries within the Province of *Pennsylvania*, and be thereof legally convicted, he, she or they, shall forfeit, for every such Offence, the Sum of *One Hundred Pounds*; one Moiety thereof to the Governor, and the other Moiety to any Person that shall sue for the same.

VI. *AND* be it hereby further enacted, That no Person or Persons whatsoever, except as herein after is excepted, shall, after the Publication of this Act, take upon him, her or themselves, to sell or expose to Sale by Way of Vendue or Auction, any Wares, Goods or Merchandizes, within the City of *Philadelphia*, unless such Person or Persons shall first be recommended by the Mayor, Recorder and Aldermen of the said City of *Philadelphia*, in their open Sessions, to the Governor of this Province; and shall have given Security to the Mayor of the said City for the Time being, for the Use of the Corporation, in such Sum as shall be agreed upon by the said Mayor, Recorder and Aldermen, provided the same do not exceed the Sum of *Five Hundred Pounds*, for his or their honest and due Execution of the Office of Vendue-Master within the City of *Philadelphia*, and for the due Observation of the Ordinances of the said City, touching the regulating Vendues or public Sales or Auctions within the same, and shall thereupon obtain the Governor's Licence or Commission, according to the Tenor of, and for the Time limited in, the said Recommendation, for executing the said Office of Vendue-Master. And there shall, at all Times hereafter, be authorized and appointed in the City of *Philadelphia*, a proper Person, qualified for executing the said Office of Vendue-Master, pursuant to the Directions of this Act. And if any Person or Persons shall be found selling or disposing of any Goods, Wares or Merchandizes,

Product or Manufacture of this Province may be sold, as before this Act.

Any Dispute arising, Pedlars to make Oath, &c.

Penalty on setting up Lotteries, &c.

2 GEO. III.

A Vendue-Master for the City of *Philadelphia*, to be commissioned by the Governor.

Penalty on
Persons sell-
ing Goods
by Vendue
in the City,
not being
qualified.

Merchandizes, within the City of *Philadelphia* aforesaid, excepting as herein after is excepted, by Way of Vendue or Auction, without being recommended, and having given Security as aforesaid, such Person or Persons so offending, and being thereof legally convicted, shall, for every such Offence, forfeit the Sum of *Fifty Pounds*, to the Use of the Corporation of the City of *Philadelphia*: And moreover, it shall and may be lawful for the Mayor, Recorder, or any of the Aldermen of the said City, upon his or their own View, or upon the Testimony and Information of one credible Witness, to them, or any one of them given, of any Persons selling any Goods, Wares or Merchandizes, by Way of Vendue or Auction as aforesaid, except as in this Act is excepted, within the said City, without such Recommendation and Bond given as aforesaid, to cause such Person or Persons, so offending, to be apprehended, and may oblige him, her or them to find Sureties for his, her or their good Behaviour, and Appearance at the next Court of Quarter Sessions of the Peace, to be held before the Mayor, Recorder and Aldermen of the said City: And it is further declared, That if the Party so bound over, shall, during the Continuance of his, her or their Recognizances, presume again to sell or expose to Sale, by Way of Vendue as aforesaid, any Wares and Merchandizes within the said City, without being recommended and having given Bond as aforesaid, such Selling or exposing to Sale shall be deemed, and is hereby declared, to be a Breach of the Good Behaviour.

Judicial Of-
ficers, Execu-
tors, &c.
may sell by
public
Auction.

VII. *PROVIDED* always, and it is hereby further enacted, That nothing herein contained shall extend, or be construed to extend, to hinder any Sheriff, Constable, or other Officer, to sell and dispose of, by Way of Vendue, any Goods, Wares or Merchandizes taken in Execution, and liable to be sold by Order of Law; or to hinder any Person or Persons from selling or exposing to Sale by public Vendue, or otherwise, any Goods or Chattels of any Kind whatsoever, taken and distrained for Rent being in Arrear; or to prohibit any lawful Executor or Executors, Administrator or Administrators, to expose to Sale by Way of public Auction, Vendue or otherwise, any Goods or Chattels which were of their respective Testator or Intestates; but that all and every such Person or Persons may do herein as they might have done before the making of this Act; any Thing herein contained to the contrary notwithstanding.

Passed February 14, 1729-30.—Recorded A, Vol. II. p. 382.

C A P. II.

An ACT for the better enabling divers Inhabitants of the Province of *Pennsylvania*, to hold Lands, and to invest them with the Privileges of natural-born Subjects of the said Province.

Passed February 14, 1729-30.—Recorded A, Vol. II. p. 385.

C A P. III.

An ACT for lending the Sum of *Three Hundred Pounds*, in Bills of Credit, for building a Prison and Court House in *Lancaster County*, &c.

Passed February 14, 1729-30.—Recorded A, Vol. II. p. 386.—Obsolete.

C A P. IV.

A Supplement to the ACT, intituled, *An Act for preventing clandestine Marriages*.

Preamble.

WHEREAS the good Intention of an Act of Assembly of this Province, intituled, *An Act for preventing clandestine Marriages*, hath been very much eluded, by Reason that no proper Penalty is by the said Law imposed upon the Justice of the Peace, or other Persons, marrying or joining in Marriage any Persons contrary to the Intent and Meaning of the said Act; For the remedying whereof, BE IT ENACTED by the Honourable PATRICK GORDON, Esq; Lieutenant-Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Justice of the Peace shall subscribe his Name to the Publication of any Marriage within this Province, intended to be had between any Persons whatsoever, unless one of the Persons, at least, live in the County where such Justice dwells, and unless such

No Mar-
riage of
Non resi-
dents, Mi-
nors or Ser-

Justice

Justice shall likewise have first produced to him a Certificate of the Consent of the Parent or Parents, Guardian or Guardians, Master or Mistress, of the Persons whose Names or Banns are to be so published, if either of the Parties be under the Age of Twenty-one Years, or under the Tuition of their Parents, or be indentured Servants, if such Parent, Guardian, Master or Mistress live within this Province, or can be consulted with; and also that no Person or Persons, of what Character or Degree soever he be, presume to publish the Banns of Matrimony, or Intentions of Marriage, between any Person or Persons, in any Church, Chapel, or other Place of Worship, within this Province, unless one of the Parties at least live in the Town, County or City, where such Publication shall be made; and unless the Person or Persons making or causing to be made such Publication, shall have received such Certificate of the Consent of the Parent, Guardian, Master or Mistress, as is herein before directed, if the Parties who ought to grant such Certificate live within this Province.

II. AND if any Justice of the Peace, Clergyman, Minister, or other Person, shall take upon him or them to join in Marriage any Person or Persons, or if any Justice of the Peace shall be present at and subscribe his Name as a Witness to any Marriage within this Province, without such Publication being first made as aforesaid, such Justice of Peace, Clergyman, Minister, or other Person, taking upon him to sign, make, or cause to be made, any Publication contrary to the Directions of this Act, or shall marry or join in Marriage, any Person or Persons not published, as in the aforesaid Act of Assembly, and by this Act is directed, every Justice of Peace, Clergyman, Minister, or other Person, so offending, shall, for every such Offence, forfeit the Sum of *Fifty Pounds*, to be recovered in any Court of Record within this Province, by Bill, Plaint or Information, by the Person or Persons grieved, if they will sue for the same; wherein no Effoin, Protection or Wager of Law, nor any more than one Imparlance, shall be allowed.

III. PROVIDED, That nothing herein contained, shall be deemed to extend to any Person, who shall be married in the religious Society to which they belong, so as Notice be given to the Parent or Parents, Guardian or Guardians, Master or Mistress, of the Person or Persons so to be married, if such Parent, Guardian, Master or Mistress live within this Province, at least Twenty Days before such Marriage be solemnized; nor that this Law shall extend to any Person marrying by the Authority of any lawful Licence, so as such Consent or Approbation in Writing of the Parent or Parents, Guardian or Guardians, Masters or Mistresses, as by this Act is directed, be first had, and the same Consent be certified in the Body of the said Licence; any Thing herein, or in the aforesaid Act of Assembly, contained to the contrary notwithstanding.

Passed February 14, 1729-30.—Recorded A, Vol. II. p. 387.

C A P. V.

A Supplementary ACT to an Act of Assembly of this Province, intituled, *An Act against buying Land of the Natives.*

WHEREAS divers Laws have, from Time to Time, been enacted in this Province, for preserving Peace, and cultivating a good Understanding with the *Indian* Natives thereof: And whereas, notwithstanding the Provision made by the said former Act, against purchasing Land of the said Natives, without Leave from the Proprietary, the Peace of the Public has been and may further be endangered by the Proceedings of some Persons, who, to elude the said Act now in Force against such Practices, do, contrary to the Intention thereof, pretend to take Land of the Natives, on Lease, or for Term of Years, or to bargain with the *Indians* for the Herbage, or for the Timber or Trees, Mines, or Waters thereof; and others, who, without any Authority, have settled upon and taken Possession of vacant Lands, as well to the manifest Contravention of the Royal Grant of the Soil of this Province from the Crown to the Proprietary and his Heirs, and the apparent Damage of such Persons who have Right to take up Lands heretofore granted to them within this Province, as to the laying a Foundation for Disputes, Misunderstandings and Breaches with the said Natives and others: For the Prevention whereof, BE IT ENACTED by the Honourable PATRICK R. r GORDON,

No Lands,
 &c. to be
 hereafter
 purchased
 of the Na-
 tives.

All Con-
 tracts with
 them for
 Lands, &c.
 to be null
 and void.

Persons pos-
 sessing Land
 not taken
 up by War-
 rant, to re-
 move, or
 make Satis-
 faction.

GORDON, Esq; Lieutenant-Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Person or Persons, Bodies Politic or Corporate whatsoever, shall at any Time hereafter, for any Cause or Consideration, or on any Pretence whatsoever, presume to purchase, bargain, contract for, have or take, of or from any *Indian*, Native or Natives, by any Manner of Gift, Grant, Bargain or Sale, in Fee-simple, or for Life, Lives, Terms of Years, or any Estate whatsoever, any Lands, Tenements or Hereditaments, within the Limits of this Province, or any Manner of Right, Title, Interest or Claim, in or to any such Lands, Tenements or Hereditaments, or in or to any Herbage, Trees, Fishings, Rivers, Waters, Mines, Minerals, Quarries, Rights, Liberties or Privileges, of or belonging unto any such Lands, Tenements or Hereditaments, without the Order or Direction of the Proprietary or Proprietaries of this Province, or of his or their Proprietary Commissioners or Deputies, authorised and appointed, or to be authorised and appointed for the Management of the Proprietary Affairs of this Province, for and in Behalf of the Proprietary or Proprietaries thereof for the Time being; and that every Gift, Grant, Bargain, Sale, written or verbal Contract or Agreement, and every pretended Conveyance, Lease, Demise, and every other Assurance made, or that shall be hereafter made, with any of the said *Indian* Natives, for any such Lands, Tenements or Hereditaments, Herbage, Trees, Rivers, Waters, Fishings, Mines, Minerals, Quarries, Rights, Liberties or Privileges whatsoever, within the Limits of this Province, without the Order and Direction of the Proprietary or his Commissioners as aforesaid, shall be and is hereby declared and enacted to be null, void, and of none effect, to all Intents, Constructions and Purposes in the Law whatsoever: And that as well the Grantee, Bargainee, Lessee, Purchaser, or Person pretending to bargain, or to have bargained or agreed with any *Indian* Native as aforesaid, contrary to the true Intent and Meaning of this Act, as all and every Person or Persons entering into and taking Possession of any Lands within the Province of *Pennsylvania*, not located or surveyed by some Warrant or Order from the Proprietary or Proprietaries, his or their Agents or Commissioners as aforesaid, to the Person or Persons possessing the said Lands, or to some Person or Persons under whom they claim, and upon reasonable Notice and Request, refusing to remove, deliver up the Possession, or to make Satisfaction for such Lands, shall and may be proceeded against in such Manner as is prescribed by the several Statutes of that Part of the Kingdom of *Great-Britain*, called *England*, made against forcible Entries and Detainers; and that no Length of Possession shall be a Plea against such Prosecution.

II. *PROVIDED* always, That nothing herein contained shall be deemed or construed to extend to any Person or Persons, who have contracted or bargained with the Proprietary or Proprietaries, his or their Agents or Commissioners as aforesaid, for the Lands in their Possession, although the Money, agreed to be paid for the said Lands, be not paid according to such Bargain or Contract.

Passed February 14, 1729-30.—Recorded A, Vol. II. p. 388.

C A P. VI.

An ACT laying an Excise on all Wine, Rum, Brandy, and other Spirits, retailed in this Province.

Passed February 14, 1729-30.—Recorded A, Vol II. p. 390.—Expired.

C A P. VII.

An ACT imposing a Duty on Persons convicted of heinous Crimes, and to prevent poor and impotent Persons being imported into the Province of *Pennsylvania*.

Preamble.

WHEREAS many Persons trading into this Province have, for Lucre and private Gain, imported, sold or disposed of, and daily do import Passengers and Servants into this Province, who, by Reason of Age, Impotency or Idleness, have become a heavy Burthen and Charge upon the Inhabitants thereof; and likewise do frequently import divers Persons convicted of heinous Crimes,

who,

who, soon after their coming into this Province, do often commit many Felonies, Robberies, Thefts and Burglaries, to the great Hurt of his Majesty's Subjects trading to and inhabiting the same: BE IT THEREFORE ENACTED by the Honourable PATRICK GORDON, Esq; Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Masters of Vessels, Merchants or others, who shall import, land or bring into any Port or Place belonging to this Province, at any Time after the Publication of this Act, any Person, in the Condition of a Servant or otherwise, within the Intent and Meaning of this Act, who hath been convicted of any Murder, Burglary, Rape, Sodomy, Forgery, Perjury, or any Felony, at any Time before such Importation or coming into this Province, shall, before the said Convicts be landed or put on Shore, pay the Sum of *Five Pounds*, for every such Convict so imported or otherwise brought in; one Moiety thereof to the Governor, for Support of Government, and the other Moiety to the Collector appointed by this Act, or the Informer; and shall further become bound, with good and sufficient Security, to the Treasurer of this Province for the Time being, in the Sum of *Fifty Pounds*, for the good Behaviour of such convict Person, for the Space of one Year next after his or her Importation or coming into this Province.

Importer of
Convicts to
pay *Five*
Pounds per
Head.

II. AND whereas it hath been a Practice for Masters of Vessels, Merchants and others, trading into this Province, with Intent to avoid complying with the Payment of the Duties, and giving the Security required by former Acts of Assembly of this Province, made to prevent the Importation of Convicts, and poor impotent Persons, to land their Passengers, Servants and Convicts, in some of the adjacent Governments; which Passengers, Servants, impotent People and Convicts, have afterwards been secretly brought into this Province: *Therefore*, to prevent such Practices for the future, *Be it enacted by the Authority aforesaid*, That if any such Convict as aforesaid, or Servant or Passenger, being poor and impotent Persons, shall be imported into the River *Delaware* after the Publication of this Act, and shall be found within this Province at any Time within the Space of Twelve Months, next after their being imported as aforesaid, whether such Persons were landed within this Government or elsewhere, it shall and may be lawful for the Collector of the Duties appointed by this Act, or his Deputy for the Time being, and for any Justice of the Peace, or principal Magistrate or Magistrates of any City or County or Town within this Province, to cause to be apprehended, taken up, and to examine, upon Oath or Affirmation, all such Convicts as aforesaid, and Passengers and Servants, being poor and impotent Persons, and all other Persons who may be supposed to be able to make any Discovery of the Time and Manner of their being imported or coming into this Province, and from whence they came last; how long they have been come from Parts beyond the Seas; of what Country, and in what Vessel, and who was Master or Merchant of such Vessel, and whether such Vessel, at the Time of such Person or Persons being shipped or coming on board, was bound to or designed for *Pennsylvania*; and whether such Person or Persons shipped themselves with Intent to come into this Province: And if, upon Examination, it shall appear to any two Justices of the Peace within this Province, or to the Mayor and Recorder, or either of them, with any one of the Aldermen of the City of *Philadelphia*, that the said Persons were shipped or took their Passages for *Pennsylvania*; then the said Magistrates, before whom such Examination is taken, shall demand and compel the Persons, if Convicts, immediately to comply with the Directions of this Act, by paying the Duties hereby imposed on them, and giving the Security, directed in the Case of Convicts by this Act; and shall be, and are hereby empowered and required to send for the Master and Merchant of such Vessel, or either of them, in which the said Persons were supposed to be imported, and to examine such Master or Merchant upon their Oath or Affirmation, concerning the said Passengers, Servants or Convicts, and their Importation or coming into this Province: And if it shall appear that the said Persons so apprehended, or any other Persons, being Convicts as aforesaid, were shipped or taken on board to be imported into *Pennsylvania*, and put on Shore, or permitted to go on Shore by such Master or Merchant, in any other Government upon the River *Delaware*, or upon any Place or Island within the said River, without making Report, and complying

Convicts,
&c. may be
apprehended
and examin-
ed, &c.

And shall
comply with
the Direc-
tions of this
Act.

Penalty on
Master or
Merchant
acting
contrary to
this Act.

complying with the Directions of this Act, then, in such Case, the said Master or Merchant shall be obliged forthwith to give Security for his Appearance at the next Court of General Quarter Sessions of the Peace, to be held for the City or County where such Examination is taken; and if, upon Presentment or Information, he or they shall be legally convicted of such fraudulent Practice, he, she or they, so offending, shall forfeit the Sum of *Twenty Pounds*, for every Person so by him or them brought in as aforesaid, and put, or permitted to be put on Shore, and afterwards, at any Time within the Space of Twelve Months next after their being landed or put on Shore, shall be found within this Province, without making such Entry and paying the Duties, and giving the Security required by this Act; one Half to the Governor, and the other to the Collector or Informer; and shall further pay the same Duties, and give the same Security for such Convicts as aforesaid, as if such Persons had been imported into this Province, and Report thereof made according to the Directions of this Act.

III. *AND be it further enacted by the Authority aforesaid*, That upon Information given to the Mayor and Recorder of the City of *Philadelphia*, for the Time being, or the Mayor or Recorder, together with one of the Aldermen of the said City, or to any two Justices of the Peace of any County within this Province, that any old Persons, Infants, Maimed, Lunatick, or any Vagabond or vagrant Persons, are imported, come, or are brought into this Province; the said Mayor, Recorder and Aldermen, or any two of them as aforesaid, or any two Justices of the Peace of the respective Counties where such Persons shall be found, shall cause such aged Persons, Infants, or impotent or vagrant Persons to be brought before them; and if, upon Examination, they shall judge that such Person or Persons are likely to become chargeable to the City, Town or County where they are found, or were imported, it shall and may be lawful for the said Mayor, Recorder and Aldermen, or any two Justices of the Peace as aforesaid, by Warrant or otherwise, to send for the Master, Merchant or other Person, who imported any such Infant, Lunatick, aged, maimed, impotent or vagrant Person or Persons as aforesaid, as are likely to become chargeable as aforesaid; and upon Proof made of their being the Importers or Owners of such Infant, Lunatick, aged, maimed, impotent or vagrant Persons, who shall be judged to be likely to become chargeable as aforesaid, the said Mayor, Recorder and Aldermen, or any two of them as aforesaid, or any two Justices as aforesaid, shall and may compel the said Master, Merchant, or Importer of such Infant, Lunatick, maimed, aged, impotent or vagrant Person or Persons, to give sufficient Security to carry and transport such Infant, Lunatick, maimed, aged, impotent or vagrant Person or Persons, to the Place or Places from whence such Person or Persons were imported, or otherwise to indemnify the Inhabitants of this Province from any Charge that may come or be brought upon them by such Infant, Lunatick, maimed, aged, impotent or vagrant Person or Persons, coming into or living within this Province.

Importer of
Persons, like-
ly to become
chargeable,
shall give Se-
curity.

Persons ag-
grieved may
appeal.

IV. *PROVIDED always*, That if any Person or Persons shall apprehend him or themselves aggrieved with any such Order or Judgment of the Justice or Justices of the Peace, or other Magistrates who shall make the same, the Person or Persons so aggrieved, may appeal to the next Court of General Quarter Sessions of the Peace, to be held for the County or City where such Order shall be made, whose Judgment shall be final; but before such Appeal be allowed of, the Person or Persons appealing shall enter into a Recognizance, with one good Surety at least, to pay the Costs and Charges of such Appeal, in case the said Order shall happen to be confirmed.

Masters of
Vessels, Mer-
chants, &c.
to give an
Account,
upon Oath,
of the Names
of all Ser-
vants, Pas-
sengers, &c.

V. *AND for the better Discovery of such Convicts, and poor and impotent or idle and vagrant Persons, who shall hereafter be imported into, and shall be likely to become chargeable to the Inhabitants of this Province; Be it further enacted by the Authority aforesaid*, That all Masters of Vessels, Merchants and others, who shall hereafter bring into any Port or Place belonging to this Province, by Land or by Water, any Men or Women Passengers, or Servants, shall, within the Space of Twenty-four Hours after their Arrival into any Port or Place of this Province, forthwith make Entry, and give, or cause to be given, upon Oath or Affirmation, to the Collector of the said Duty for the Time being, a true and just Account of all the Names of the Servants and Passengers so imported

or brought in; which Account the said Collector shall duly enter, and shall forthwith give Notice thereof to the Mayor of *Philadelphia* for the Time being, if such Servants, Passengers, &c. are designed to be landed at *Philadelphia*; or to any two or more of his Majesty's Justices of the Peace for the Town or County where such Servants or Passengers shall be imported; and the said Mayor, or Justices as aforesaid, are hereby impowered and enjoined, immediately, by Warrant or otherwise, to call before them the said Master, Merchant, or other Person or Persons importing such Servant or Servants, or Passengers as aforesaid, and to examine, upon Oath or Affirmation, the said Master, Merchant, and all other Persons who may be supposed to have any Knowledge of the Character and Circumstances of such Servants or Passengers, and thereupon shall grant unto the Master, Merchant or Owner, or other Person, having the Charge or Care of any Servant or Servants, or Passengers, so imported or brought into this Province, a Certificate, containing the Names of all the Servants, or Passengers, which such Justice shall judge fit to be landed or disposed of as Servants, and do not appear to them to have been formerly convicted of any of the Crimes mentioned in this Act; or such as do not appear to them to be such Infants, lunatick, maimed, aged, impotent or vagrant Persons, as they shall judge likely to become chargeable to the Inhabitants of this Province; for which Examination, Permit and Certificate, there shall be paid to the Mayor or Justices aforesaid, the Sum of *Nine-pence* per Head; and to the Collector, the Sum of *Nine-pence* for every Person so imported; and there shall likewise be paid to the Collector, for each Bond he shall take in Pursuance of any Thing required to be done by Virtue of this Act, the Sum of *Two Shillings and Six-pence*, and no more.

Justices may give a Certificate, of the Persons proper to be landed.

Justices and Collector's Fees.

VI. *PROVIDED* nevertheless, and it is hereby further enacted, That if, after such Examination taken, and Certificate granted as aforesaid, it shall be made appear, that any of the said Persons so landed or imported are Convicts, the Master, Merchant, or other Person, who imported such Convict or Convicts, shall be liable to pay the same Duty, and give the same Security, as if no such Examination had been taken or Certificate granted; any Thing in this Act contained to the contrary notwithstanding.

Duties to be paid, &c. notwithstanding the Certificate, &c.

VII. AND if any Servant or Servants, or Convict, or other Person, shall be imported or brought into and landed in any Port or Place within this Province, without making such Entry as aforesaid, in the Manner before directed, and paying the Duty and giving the Security required by this Act, and within the Time limited by this Act for that Purpose, and obtaining such Certificate from the Mayor or Justices as aforesaid, every such Master of a Vessel, Merchant and other Person, so importing, bringing in, or landing such Servants or other Persons, shall forfeit and pay for each Servant or other Person, so imported, brought in, or landed contrary to the Directions of this Act, the Sum of *Ten Pounds*; one Half, after the Charge of Prosecution deducted, to the Governor, for the Support of Government; and the other Half, after such Charges deducted as aforesaid, to the Collector, or to such Person or Persons who will sue for the same, in any Court of Record in this Province, by Bill, Complaint or Information, wherein no Effoin, Protection or Wager of Law, shall be allowed.

Penalty on Master, Merchant, &c. not complying with this Act.

VIII. AND be it further enacted by the Authority aforesaid, That all Persons, obliged by this Act to make Entry as aforesaid, shall apply to *Charles Read*, of *Philadelphia*, Merchant, who is hereby appointed the present Collector of the said Duty hereby imposed, without any Notice or Request made by him for their so doing; and the said Collector is hereby further impowered to receive, collect, demand and recover, from all Persons importing, landing or bringing in any Servant or Servants, or other Persons, into any Port or Place within this Province, all Forfeitures and Penalties herein before appointed to be set, imposed and levied, by Virtue of this Act.

Persons obliged to make Entry shall apply to the Collector.

IX. AND be it further enacted, That one Act of General Assembly of this Province, intituled, *An Act for imposing a Duty upon Persons convicted of heinous Crimes, and imported into this Province, &c.* and one other Act of General Assembly, intituled, *An Act laying a Duty on Foreigners and Irish Servants, &c. imported into this Province*, be and are hereby repealed and made void.

Two former Acts repealed.

X. *PROVIDED* always, That nothing herein contained shall extend, or be construed to extend, to discharge any Sum of Money or other Duty, payable

Notes, &c. by the by the aforesaid two recited Acts of Assembly, or either of them; but that the aforesaid Acts, as to the Recovery of any Sum or Sums of Money, Duty or Penalty, forfeited, become due, or payable before the first Day of this Instant *now payable by former Act, to be paid.* January, by Virtue of, or by Breach of the aforesaid Acts, or either of them, do and shall continue and remain in full Force, until the said Sums of Money, Duty, or Forfeitures, be effectually levied, recovered and received.

XI. AND whereas by a Law of this Province, for the better Regulation of Servants, it is provided, That no Servant shall be assigned over to any Person, but in the Presence of one Justice of the Peace; *Be it further enacted by the Authority aforesaid,* That all Sales or Assignments of Servants within the City of *Philadelphia*, shall be made before the Mayor of the said City for the Time being; or in case of his Neglect or Absence, then before the Recorder of the said City, and before no other Person or Persons whatsoever, under the Penalty of *Ten Pounds*, to be levied as in the said Act is directed. And the said Mayor and Recorder shall, and are hereby enjoined to keep a Register or Registers, of the Names of such Servants, and by whom and to whom assigned, and the Term of Years mentioned in the Indenture, with the Date or Time of Assignment. And the said Mayor shall, at his going out of his Mayoralty, deliver the Register or Registers aforesaid to his Successor, to be carefully kept, to the End that all Persons concerned may readily have Access to the same.

Passed February 14, 1729-30.—Recorded A, Vol. II. p. 393.

C A P. VIII.

An ACT for the Relief of insolvent Debtors within the Province of *Pennsylvania*.

Vide Amendment, 4th GEO. II.

WHEREAS, in Compassion to such unhappy Persons, as, by Losses and other Misfortunes, have been rendered incapable to pay their Debts, it is provided by an Act of Assembly of this Government, That if any Person be imprisoned for Debt, or Fines, within this Province, and have no sufficient Estate to satisfy the same, the Debtor shall make Satisfaction by Servitude, according to the Judgment of the Court; but there being no Provision made by the said Law to compel the Debtor to render any Account of his or her Estate, great Abuses have been committed by Persons claiming the Benefit of that Law, in concealing their Estates, or making them over in Trust, so that no clear Discovery could be made of the same by the Creditors; and it being found by Experience that the Service of the Debtor has in no-wise answered the End proposed in making the said Law: Therefore, for the Relief of such Prisoners who shall be willing to satisfy their Creditors as far as they are able, BE IT ENACTED by the Honourable PATRICK GORDON, Esq; Lieutenant-Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Person or Persons, charged in Execution for any Sum or Sums of Money, not exceeding in the Whole the Sum of *One Hundred Pounds*, from and after the Twenty-fifth Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Thirty, shall be minded to deliver up to his, her or their Creditors, all his, her or their Effects, towards the Satisfaction of the Debts wherewith he, she or they stand charged, it shall and may be lawful for such Prisoner to exhibit a Petition to any of the Courts of Law within this Province, from whence the Process issued upon which he, she or they, was or were taken or charged in Execution, certifying the Cause or Causes of his, her or their Imprisonment, and an Account of his, her or their whole real and personal Estate, with the Dates of the Securities wherein any Part of it consists, and the Deeds or Notes relating thereunto, and the Names of the Witnesses to the same, as far as his, her or their Knowledge extends thereto: And upon such Petition the Court may, and is hereby required, by Order or Rule of Court, to cause the Prisoner to be brought up, and the several Creditors, at whose Suit he, she or they stand charged as aforesaid, and all other his or her Creditors, that are or can be known to the Court, to be summoned to appear personally, or by their Attorney, in Court, at a Day to be appointed for that Purpose; and upon the Day of such Appearance, if any of the Creditors

Altered by 5th GEO. III. Cap. 2 and 15.

Prisoner to exhibit a Petition, &c.

Creditors to be summoned to appear, &c.

summoned

summoned refuse or neglect to appear, upon Affidavit of the due Service of such Rule or Order, or upon Affidavit made, that the Creditor or Creditors are not to be found, the Court shall, in a summary Way, examine into the Matter of such Petition, and hear what can or shall be alledged on either Side, for or against the Discharge of such Prisoner; and upon such an Examination, the Court may and are hereby required to administer or tender to the Prisoner an Oath or Affirmation, to the Effect following:

I A. B. do solemnly (swear, in the Presence of Almighty God) or (sincerely and truly declare and affirm) that the Account by me delivered into this Honourable Court, in my Petition to this Court, doth contain a full and true Account of all my real and personal Estate, Debts, Credits and Effects whatsoever, which I, or any in Trust for me, have, or at the Time of my Imprisonment had, or am, or was in any respect entitled to, in Possession, Remainder or Reversion (except the Wearing Apparel and Bedding for me or my Family, and the Tools or Instruments of my Trade or Calling, not exceeding Five Pounds in Value, in the Whole) and that I have not, at any Time since my Imprisonment, or before, directly or indirectly, sold, leased, assigned, or otherwise disposed, or made over in Trust, for myself or otherwise, other than as mentioned in such Account, any Part of my Lands, Estate, Goods, Stock, Money, Debts, or other real or personal Estate, whereby to have or expect any Benefit or Profit to myself, or to defraud any of my Creditors to whom I am indebted.

The Form of
the Prisoner's
Oath or
Affirmation.

II. AND in case the Prisoner shall in open Court take the said Oath or Affirmation, and, upon such Examination, and his or her taking the said Oath or Affirmation, the Creditors shall be satisfied with the Truth thereof, the Court may immediately order the Lands, Goods and Effects, contained in such Account, or so much of them as may be sufficient to satisfy the Debts wherewith he or she is or shall be charged, together with Costs of Suit, and the Fees due to the Keeper of the Goal or Prison from which the Prisoner was brought, to be, by a short Indorsement on the Back of such Petition, signed by the Prisoner, assigned to the Creditors, or one or more of them, in Trust for the rest of them, or to some proper Person to be by the said Court appointed, in Trust for all the Creditors; and by such Assignment the Estate, Interest and Property of the Lands, Goods, Debts and Effects so assigned, shall be vested in the Person or Persons to whom such Assignment is or shall be made, who may take Possession of, or sue for the same, in his or their own Name or Names, in like Manner as Assignees of Commissioners of Bankrupts; to which Suit no Release of the Prisoner, his or her Executors or Administrators, or any Trustee for him or her, subsequent to such Assignment, shall be any Bar. And immediately upon such Assignment executed, the said Prisoner shall be discharged out of Custody, by Order of Court; and such Order shall be a sufficient Warrant to the Sheriff, Goaler or Keeper of such Prison, to discharge the said Prisoner, if detained for the Causes mentioned in such Petition and no other; and he is hereby required to discharge and set him or her at Liberty forthwith, without Fee; nor shall such Sheriff or Goaler be liable to any Action of Escape, or other Suit or Information upon that Account: And the Person or Persons to whom the said Effects shall be assigned, paying the Fees to the Goaler or Keeper of the Prison, in whose Custody the Party discharged was, shall and are hereby required to divide the Effects so assigned among the Creditors, and all the Persons for whom they shall be intrusted, in Proportion to their respective Debts. But in case the Person or Persons, at whose Suit such Prisoner was charged in Execution, or any other Creditor, shall not be satisfied with the Truth of such Oath or Affirmation, but shall desire further Time to inform himself of the Matters contained therein, the said Court may and shall remand the said Prisoner, and direct the said Prisoner, and the Person or Persons dissatisfied with such Oath or Affirmation, to appear at another Day to be appointed by the said Court, some Time within the Term next following the Time of such Examination; and if at such second Day so to be appointed, the Creditor or Creditors dissatisfied with such Oath or Affirmation, shall make Default in appearing, or in case he or they shall appear, but shall be unable to discover any Estate or Effects of the Prisoner, omitted in such his or her Petition, or to shew any Probability of his or her having been forsworn, or to have declared falsely in the said Oath

Prisoner to
assign his
Effects to the
Creditors,
&c.

And upon
such Assign-
ment to be
discharged.

Effects to be
divided a-
mong the
Creditors.

Creditors not
being satis-
fied with the
Oath, &c.
the Court
may remand
the Prisoner,
&c.

or

Creditors in-
claim on
the Prisoner
being detain-
ed, to pay,
&c. toward
his Main-
tenance.

No Person
discharged
by this Act,
to be here-
after impris-
oned for any
Debt, &c.
due before
his Dis-
charge.

Justices,
Sheriffs, &c.
may plead
the General
Issue, &c.

The Dis-
charge not
to relate to
others.

Persons
charged at
the Suit of
the Crown
only, not to
be discharg-
ed.

Judgment to
stand good
against what
the Prisoners
may hereaf-
ter possess,
&c.

And the Cre-
ditors may
take out a
new Execu-
tion, &c.

or Affirmation, then the said Court shall immediately cause the said Prisoner to be discharged, upon such Assignment of his or her Effects in Manner as aforesaid; unless such Creditor or Creditors do insist upon his or her being detained in Prison, and do agree, by Writing, under his Hand, to pay and allow any Sum of Money that shall be assessed by the said Court, not exceeding *Three Shillings* per Week, unto the said Prisoner, to be paid the Second Day of every Week, so long as he or she shall continue in Prison at his, her or their Suit; on Failure of the Payment of which weekly Sum, at any Time, the said Prisoner shall forthwith, upon Application to the Court, or to any three Justices of the said Court in the Vacation, be discharged by such Order as aforesaid. But in case the said Prisoner shall refuse to take the said Oath or Affirmation, or, having taken the same, shall be detected of Falstity therein, he or she shall be presently remanded.

III. *AND be it further enacted by the Authority aforesaid*, That no Person to be discharged by this Act, shall any Time hereafter be imprisoned, by Reason of any Judgment or Decree obtained for Payment of Money only, or for any Debt, Damages, Contempts, Costs, Sum or Sums of Money, contracted, occurred, occasioned, owing, or growing due, before the Time of his or her Discharge; but that upon every Arrest upon every such Judgment or Decree, or for such Debts, Damages or Contempts, Costs, Sum and Sums of Money, it shall and may be lawful for any Judge of the Court where the Process issued, upon shewing the Duplicate of such Prisoner's Discharge or Discharges, to release and discharge out of Custody such Prisoner or Prisoners as aforesaid, and the Judge is hereby impowered so to do; so as every such Prisoner or Prisoners, arrested or detained upon Execution, or Mesne Process, do give a Warrant of Attorney to appear to every such Action, and to plead thereunto.

IV. *AND be it further enacted by the Authority aforesaid*, That if any Action of Escape, or any Suit or Action be brought against any Justice or Justices of the Peace, Sheriff, Goaler or Keeper of any Prison, for performing their Office in Pursuance of this Act, they may plead the General Issue, and give this Act in Evidence; and if the Plaintiff be nonsuited, or discontinue his Action, or Verdict pass against him, or Judgment upon Demurrer, the Defendant shall have treble Costs.

V. *PROVIDED*, That the Discharge of any Person by Virtue of this Act, shall not acquit any other Person from such Debt, Sum or Sums of Money, or any Part thereof; but that all others shall be answerable for the same, in such Manner as before the Passing of this Act.

VI. *AND provided*, That this Act shall not extend to discharge any Person out of Prison, who shall stand chargeable at the Suit of the Crown only.

VII. *PROVIDED always, and be it enacted by the Authority aforesaid*, That notwithstanding the Discharge of the Person of such Prisoner or Prisoners as aforesaid, all and every Debt and Debts, due or owing from the said Prisoner or Prisoners, and all and every Judgment or Judgments had and taken, and Decree obtained against him or her, shall stand and be good and effectual in the Law, to all Intents and Purposes, against the Lands, Tenements, Hereditaments, Goods and Chattels of the said Prisoner so discharged as aforesaid, which he, she or they, or any other Person or Persons in Trust for him, her or them, at the Time of such Discharge, hath or have, or at any Time hereafter shall or may be any ways seized or possessed of, interested in, or intitled to, either in Law or Equity, except his, her or their Wearing Apparel, Bedding for his, her or their Families, and Working Tools and Implements, necessary for his, her or their Occupations, not exceeding the Value of *Five Pounds* in the Whole; and it shall and may be lawful to and for such Creditor or Creditors of such Prisoner or Prisoners, so discharged as aforesaid, his, her or their Executors or Administrators, to take out a new Execution against the Lands, Tenements, Hereditaments, Goods and Chattels of such Prisoner or Prisoners, except as are before excepted, for the Satisfaction of his, her or their Debts, in such Sort, Manner and Form, as he, she or they might have done, if the Person or Persons of such Prisoner or Prisoners had never been taken in Execution; any Act, Statute, Law or Custom to the contrary in any wise notwithstanding.

VIII. *PROVIDED also, and be it further enacted by the Authority aforesaid*, That if any such Person, who shall take such Oath or Affirmation as aforesaid,

said, shall, upon any Indictment for Perjury, in any Matter or Particular contained in the said Oath or Affirmation, be convicted, by his or her own Confession, or by Verdict of Twelve Men, the Person so convicted shall suffer all the Pains and Forfeitures which may by Law be inflicted on any Person convicted of wilful Perjury; and shall likewise be liable to be taken on any Process *de novo*, and charged in Execution for the said Debt, in the same Manner, as if he or she had never been discharged or taken in Execution before; and shall never after have the Benefit of this Act.

Prisoner convicted of Perjury, shall suffer, &c.

IX. *PROVIDED also, and be it further enacted by the Authority aforesaid*, That if the Effects so assigned shall not extend to satisfy the whole Debts due to the Creditors of the Person or Persons so discharged, and the Fees due to the Goaler, there shall be an Abatement in Proportion, and such Goaler shall come in as a Creditor, for what shall be then due to him for his Fees, in Proportion with the other Creditors.

Goaler to come in as a Creditor for his Fees.

X. *AND be it further enacted by the Authority aforesaid*, That where there are mutual Debts between the Debtor or Debtors and his, her or their Creditors, or if either Party sue or be sued as Executor or Administrator, where there are mutual Debts between the Testator or Intestate and either Party, one Debt may be set against the other, and such Matter may be given in Evidence upon the General Issue, or pleaded in Bar, as the Nature of the Case shall require; so as at the Time of the Pleading the General Issue, where any such Debt of the Plaintiff, his Testator or Intestate, is intended to be insisted on in Evidence, Notice shall be given, of the particular Sum or Debt, so intended to be insisted on, and upon what Account it became due, or otherwise such Matter shall not be allowed in Evidence upon such General Issue.

Where there are mutual Debts, one may be set against the other, &c.

XI. *PROVIDED*, That where any Rent shall be due from any Prisoner or Prisoners, at the Time of his or their respective Discharges, no Goods or Chattels, then lying or being in or upon the respective Tenements or Lands so in Lease, or liable to be distrained, shall be removed or disposed of, without the Consent of the Landlord or Person to whom the Rent is due, until the same, not exceeding one Year's Rent, be paid or satisfied; and that the Landlord may use all lawful Ways for the having and recovering his Rent, so as the same exceed not one Year's Rent, by Distress or otherwise, as he might have had, or could have done, before the making of this Act, any Thing herein contained to the contrary in any wise notwithstanding.

Landlords may recover one Year's Rent, as before this Act.

XII. *AND provided also*, That this Act shall not bar any absent or distant Creditor, who had not Notice of the Prisoner's Application to the Court as aforesaid.

No absent or distant Creditor barred by this Act.

XIII. *AND* whereas, by an Act of Assembly of this Province, intituled, *An Act for better determining Debts and Demands under Forty Shillings*, Power is given to any one Justice of the Peace, to hear and determine any Debts or Demands under *Forty Shillings*, and, upon Judgment given, to award Execution against the Body and Goods or Effects of the Defendant; in Pursuance of the Execution of which Law, many poor Persons have been taken and imprisoned a long Time, for very small Sums of Money, to the utter Ruin of their Families, and without any real Benefit to the Creditors; and forasmuch as it will be a very great Hardship and Charge upon a poor Prisoner, confined for a small Debt, to oblige him or her to apply to be discharged in the Manner directed by this Act for Persons imprisoned for a greater Sum; *Therefore*, for the Ease of such poor Persons, *Be it enacted by the Authority aforesaid*, That where any Person or Persons shall be charged in Execution for any Sum of Money, not exceeding in the Whole the Sum of *Forty Shillings*, besides Costs of Suit, such Person or Persons may, by Petition, apply to any two Justices of the Peace of the County or City where he or she is imprisoned, and therein set forth the Truth of his or her Case, with a true Account of his or her whole Effects; which Justices shall thereupon give reasonable Notice to the Plaintiff or Creditor, to appear before them at a certain Day and Place, to shew if that the said Debtor or Debtors have some Effects that he or she will not discover and yield up for Payment of the Debt and Costs; at which Day the Defendant or Defendants shall make such Oath or Affirmation as, in the Case of other Debtors, is by this Act directed to be taken, the Words *Five Pounds*, in the said Oath only excepted; and the Words *Twenty Shillings*, in the Case of a single Person, and the Words *Fifty Shillings*, in the Case of a married Person, to be taken or inserted instead thereof. And if the Plaintiff or Creditors shall, upon Notice

How Prisoners for Debt under *Forty Shillings* may be relieved.

given as aforesaid, neglect or refuse to appear, or appearing, and not making out to the said Justices that the Debtor hath omitted to discover some of his or her Effects, in his or her Petition, or to shew any Probability of his or her being sworn in the said Oath or Affirmation, then the said Justices shall immediately cause the said Prisoner to be discharged, upon his or her making an Assignment to the Plaintiff, on the said Petition, of all the Effects contained therein, the Wearing Apparel, to the Value of *Twenty Shillings*, if a single Person, and to the Value of *Fifty Shillings*, if a married Person, only excepted; and the Persons of the Debtor or Debtors shall never after be arrested for the same Debt or Costs.

Sheriff, &c.
shall not carry
Persons
arrested to
any Tavern,
&c. without
their Con-
sent.

Nor demand
extravagant
Fees, &c.

Nor shall
keep Persons
arrested, in
any public
or private
House, a-
bove Twenty
Days, &c.

Justices to
make Orders
for regulat-
ing Expences,
&c.

Officers shall
permit Pri-
soners to send
for Necessa-
ries where
they please.

Justices shall
settle Tables
of Fees, &c.

XIV. AND whereas many Persons may suffer by the Oppression and Exactions of Goalers and other inferior Officers, in the Execution of Procces for Debt: For Prevention whereof, *Be it further enacted by the Authority aforesaid*, That no Sheriff, Under-Sheriff, Bailiffs, or other Officer or Minister whatsoever, shall, at any Time or Times hereafter, convey or carry, or cause to be conveyed or carried, any Person or Persons by him or them arrested, or being in his or their Custody, by Virtue or Colour of any Writ, Procces or Warrant, to any Tavern, Alehouse, or other public Victualling or Drinking-House, or to the private House of any such Officer, without the voluntary Consent of the Person so taken or arrested; nor charge, demand, take or receive, or cause to be demanded, taken or received, directly or indirectly, any other or greater Sum or Sums of Money, than is or shall be by Law allowed to be taken or demanded, for such Arrest, Taking, Detaining, or waiting till the Person or Persons, so arrested or in Custody, shall have given in an Appearance or Bail, as the Case shall require, or agreed with the Person or Persons at whose Suit or Prosecution he, she or they, shall be taken or arrested, or until he, she or they, shall be sent to the proper Goal belonging to the County, City, Town or Place, where such Arrest or Taking shall be; nor shall keep the Person or Persons, so taken or arrested, in any Tavern, Alehouse, or other public Victualling-House, or private House of any Officer, with or without the Consent of the Persons so arrested, above the Space of Twenty Days; nor shall exact or take any Reward, Gratuity or Money, for keeping the Person or Persons so arrested or in Custody, out of Goal or Prison; nor shall take or receive any other or greater Sum or Sums of Money, for one or more Night's Lodging, or for a Day's Diet, or other Expences, than what shall be allowed as reasonable in such Cases, by some Order or Orders to be made by the Justices of the respective Courts of Common Pleas within this Province, at some Court to be held for such County, City, Town or Place, where such Arrest or Taking shall be; who are hereby authorized and required, with all convenient Expedition, to make some standing Order or Orders for ascertaining such Expences within their respective Counties or Cities.

XV. *AND be it further enacted by the Authority aforesaid*, That every Sheriff, Under Sheriff, Goaler, Keeper of any Prison or Goal, or other Person or Persons whatsoever, to whose Custody or Keeping any one so arrested or taken shall be committed on any Pretence, shall permit and suffer him, her or them, so arrested or taken, at his, her or their Will and Pleasure, to send for and have any Beer, Ale, Victuals, or other necessary Food, from what Place they please; and also have and use such Bedding, Linen and other Things, as he, she or they shall think fit, without purloining or detaining the same, or any Part thereof, or enforcing or requiring him, her or them to pay for the having or using thereof, or putting any Manner of Restraint or Difficulty upon him, her or them, in using thereof, or relating thereto.

XVI. *AND be it further enacted by the Authority aforesaid*, That no Fees shall be taken by any Goaler, or Keeper of any Goal or Prison within this Province, for any Prisoner or Prisoners Commitment or coming into Goal, or Chamber-Rent there, or Discharge from thence, or other Expences, than what shall be allowed by Law, until such Fees shall be settled and established by the Justices or Judges of the respective County Courts, and other Courts of Record within this Province, for and in respect of the Counties and Courts to which they belong; who are hereby directed, impowered and required, to settle and establish the same as soon as conveniently may be: And Tables shall be made of the respective Orders, Rules and Fees, so settled and established, and signed by the Justices or Judges of the respective County Courts, Courts of General Quarter Sessions of the Peace, and other Courts of Record, for the respective Goals within their respective Juris-

dictions;

ditions; and signed by the Mayor, Recorder and Aldermen, for and in respect of the Courts of Record held before the Mayor, Recorder and Aldermen of the City of *Philadelphia*; which Rules, Orders and Fees, may from Time to Time be enlarged, reformed, or altered and amended, as Occasion shall require, by the Judges of the Supreme Court, by Rules and Orders of the said Court, to be signed by the Judges of the same; and Duplicates shall be transmitted to the respective County Courts, and other Courts of Records for which they are made, to be entered of Record and inrolled, without any Fee to be taken for the Inrolment thereof.

Which may be altered and amended, and shall be entered on Record.

XVII. *AND be it further enacted by the Authority aforesaid*, That the several Courts of Common Pleas, and other Courts of Record, in the several Counties and Cities of this Province, shall, at every Time of the Sitting or Meeting of such Court or Courts, enquire whether such Tables of Fees, and such Rules as aforesaid, be hung up, and remain public and easy to be resorted to, in the several Prisons to the said Courts respectively belonging, and whether the same be duly complied with and observed, and cause Eight Days Notice to be given to the Prisoners in the said Prison, of the Time appointed for such Enquiry; and shall inform themselves, touching the same, in the best Manner they can, and supply and redress whatever they find neglected or transgressed: And that the Judges of the Courts of Oyer and Terminer, and General Goal Delivery, shall likewise make Enquiry of the Matters aforesaid, at all such Courts and Sessions of Goal Delivery within this Province, for and in respect of the Goals and Prisons within their respective Jurisdictions; and shall expressly give it in Charge to the Grand Jury to enquire concerning the same.

Courts to enquire concerning the Tables of Fees, &c.

XVIII. *AND*, for the more speedy punishing Goalers, Bailiffs, and others, employed in the Execution of Procefs, for Extortions, or other Abuses in their respective Offices and Places; *Be it further enacted by the Authority aforesaid*, That upon the Petition of any Prisoner or Person, being, or having been under Arrest or in Custody, complaining of any Exaction or Extortion by any Goaler, Bailiff or other Officer or Person, employed in the keeping or taking Care of any Goal or Prison, or the arresting or apprehending of any Person or Persons, by Virtue of any Procefs or Warrant, or any other Abuses whatsoever, committed or done in their respective Offices or Places, unto any of his Majesty's Courts of Record within this Province, from whence such Procefs issued, or under whose Power such Goal or Prison is; or to any two Justices of such Court, in the Time of Vacation; or to the Judges of the Supreme Court, or any of them, in their respective Sessions of Oyer and Terminer or General Goal Delivery; it shall and may be lawful for the said Court, Justices or Judges, to hear and determine the same in a summary Way, and to make such Order thereupon, for redressing such Abuse, and punishing of such Officer or Person complained of, and making Reparation to the Party or Parties injured, as they shall think just, together with full Costs of such Complaint; and all Orders and Determinations which shall be made by the said Courts, or of the said Justices or Judges respectively, in such summary Way as herein prescribed, shall have the same Effect, Force and Virtue, to all Intents and Purposes, as any other Orders of the said respective Courts; and Obedience thereunto may be enforced, either by Attachments ordered by the said respective Courts, or by Attachments to be issued under the Seal of the said Courts, by Direction of the Justice or Judge making such Order.

How Goalers, &c. guilty of Extortion, shall be punished.

XIX. *AND* for the preventing Prisoners being imposed upon, by being under a Necessity of spending their Money in Prisons where strong Liquors are sold, *Be it enacted by the Authority aforesaid*, That no Goaler, or Keeper of any Goal, or any Sheriff, or Under Sheriff, having the Care or Keeping of any Goal or Prison within the Province of *Pennsylvania*, shall keep, or suffer to be kept, any Tavern, Public House or Alehouse, or shall utter or sell to any Person or Persons under Arrest, or in Prison, any Wine, Rum, Beer, Ale, Cyder, Punch, or any other strong Liquors, other than what shall be allowed by the Justices as aforesaid for a Day's Diet or Expences, by such Order to be made as aforesaid, on Pain of being removed from his or their Office or Offices of Sheriff, Under Sheriff or Goaler, upon Complaint made, to be heard and determined, upon Petition, in a summary Way as aforesaid, before the Justices in the respective Courts of Com-

No Sheriff, Under Sheriff or Goaler, to keep any Tavern, &c.

mon Pleas for the County to which such Goaler, Sheriff, or Under Sheriff, having the keeping of any Goal, does belong.

No Sheriff
to continue
in his Office
above Three
Years.

XX. AND for the more effectual preventing Oppressions to his Majesty's Subjects within this Province: *Be it further enacted by the Authority aforesaid*, That no Sheriff within this Province shall continue in his Office of Sheriff, or occupy the said Office, above Three Years; and that no Man who hath been Sheriff or Under Sheriff of any County by the Space of Three Years, shall be chosen Sheriff of that County again within Three Years next ensuing, upon Pain of forfeiting *Two Hundred Pounds*, by him who shall occupy his Office contrary to the Effect and Intent of this Act.

XXI. *AND be it further enacted by the Authority aforesaid*, That one Act of General Assembly of this Province, intituled, *An Act about Arrests, and making Debtors pay by Servitude*, be, and is hereby repealed and made void.

Passed February 14, 1729-30.—Recorded A, Vol. II. p. 397.

C A P. IX.

An ACT for continuing the Encouragement for raising good Hemp within this Province, and imposing certain Penalties on Persons manufacturing or working up unsound and unmerchantable Hemp into Cordage and Cables.

Passed February 14, 1729-30.—Recorded A, Vol. II. p. 404.—Repealed by 5 GEO. II.

C A P. X.

An ACT to remove the Trustees of the General Loan-Office of *Pennsylvania*, and appointing others to execute the said Trust.

Passed August 15, 1730.—Recorded A, Vol. II. p. 407.—Obsolete.

C A P. XI.

An ACT to prevent the erecting Weirs, Dams, &c. within the River *Schuylkill*.

Passed August 15, 1730.—Recorded A, Vol. II. p. 410.—Repealed by 1 GEO. III.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1730, in the Fourth Year of GEORGE II. and continued by Adjournments to the Sixth Day of *February* following.

C A P. I.

An ACT for re-emitting and continuing the Currency of such Bills of Credit of this Province, as, by former Acts, are directed to be sunk and destroyed.

Passed February 6, 1730-31.—Recorded A, Vol. II. p. 388.—Obsolete.

C A P. II.

An ACT for the enabling religious Societies of Protestants, within this Province, to purchase Lands for Burying-Grounds, Churches, Houses for Worship, Schools, &c.

Preamble.

WHEREAS sundry religious Societies of People within this Province, professing the Protestant Religion, have, at their own respective Costs and Charges, purchased small Pieces of Land within the Province of *Pennsylvania*, and thereon have erected Churches, and other Houses of religious Worship, School-Houses, and Alms-Houses, and inclosed Part of the same Lands for Burying-Grounds: And whereas the said Lands were purchased and paid for by the said respective Societies, in the Name or Names of Persons, at that Time being

of

of, or professing themselves to be, of the same religious Persuasion with the Societies who made Use of the Names of the said Persons as Trustees, for and in Behalf of the said Societies : And whereas some of the said Trustees, or their Heirs, having afterwards changed their Opinions, and joined themselves to other religious Societies, of a different Persuasion from the People by whom the said Persons were at first entrusted, and upon Pretext of their having the Fee-simple of the Lands so purchased in their Names, vested in them, have, contrary to the true Intent and Meaning of the first Grant or Gift, attempted (by granting away the said Lands, Houses of religious Worship and Burying-Grounds) to deprive the Society of People in Possession of the same, of the Right and Use of the said Houses of Worship, and Burying-Grounds, to the great Disquiet and Uneasiness of many of the good People of this Province ; and others, being entrusted in the like Manner, may hereafter do the same. For Remedy whereof, and for the better securing the several religious Societies in the quiet and peaceable Possession of their Churches, Houses of Worship, School-Houses and Alms-Houses, and Burying-Grounds, within this Province,

II. BE IT ENACTED by the Honourable PATRICK GORDON, Esq; Lieutenant-Governor of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent*, and *Suffex* on *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Sales, Gifts or Grants, made of any Lands or Tenements within the Province of *Pennsylvania*, to any Person or Persons, in Trust, for Sites of Churches, Houses of religious Worship, Schools, Alms-Houses, and for Burying-Grounds, or for any of them, shall be and are hereby ratified and confirmed to the Person or Persons to whom the same were sold, given or granted, their Heirs and Assigns, in Trust nevertheless, and for the Use of the respective religious Societies, for whose Use the same were at first sold, given, granted or purchased, according to the true Intent and Meaning of such Gifts or Grants : And that every Sale, Gift, Grant or Devise, of any such Trustee or Trustees, or any Person or Persons, in whose Name or Names the said Lands for erecting Churches, Houses of religious Worship, Schools, Alms-Houses or Burying-Grounds, within this Province, were purchased, taken or accepted, or the Heirs or Assigns of such Trustees, shall be and are hereby declared to be for the sole Use, Benefit and Behoof of the said respective Societies, who have been in the peaceable Possession of the same for the Space of Twenty-one Years, next before the Tenth Day of *June*, in the Year of our Lord One Thousand Seven Hundred and Thirty, or for whose Use the same were at first given, granted or devised, and no other.

Sales, &c. of
Lands for
Houses of
Worship, &c.
confirmed.

III. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for any religious Society of Protestants within this Province, to purchase, take and receive, by Gift, Grant, or otherwise, for Burying-Grounds, erecting Churches, Houses of religious Worship, Schools and Alms-Houses, for any Estate whatsoever, and to hold the same for the Uses aforesaid, of the Lord of the Fee, by the accustomed Rents.

Religious
Societies
may purchase for erecting
Houses of
Worship, &c.

IV. *PROVIDED always, and be it further enacted by the Authority aforesaid*, That nothing in this Act contained, shall be deemed, taken or construed, to enable any of the said religious Societies of People, or any Person or Persons whatsoever, in Trust for them, or to their Use, to purchase, take or receive, any Lands or Tenements, by Gift, Grant or otherwise, for or towards the Maintenance, or Support of the said Churches, Houses of Worship, Schools or Alms-Houses, or the People belonging to the same, or for any other Use or Purpose, save for the Uses in this Act before mentioned.

This Act
not to extend
to Purchases
made for the
Support of
such Houses,
&c.

V. *PROVIDED also*, That this Act, nor any Thing therein contained, shall be deemed or construed to impeach the just Right or Title, which any Person or Persons may have to any of the Lands or Tenements herein before mentioned, so that they prosecute such their Right or Claim within the Space of three Years next after the Publication of this Act.

Nor to impeach the
Title of any
Persons
claiming the
Lands.

Passed February 6, 1730-31.—Recorded A, Vol. II. p. 418.

C A P. III.

An ACT for Amendment of the Law, intituled, *An Act for the Relief of Insolvent Debtors.*

Preamble.

WHEREAS fundry idle and ill-disposed Persons, who were indebted before the Commencement of an Act of Assembly of this Province, intituled, *An Act for the Relief of Insolvent Debtors*, have very much abused their Creditors, and disappointed the good Intentions of the Legislature in making the said Act; and especially single or unmarried Persons, who were indebted in small Sums of Money, which they could easily have paid by their Labour, have taken the Advantage of the said Act of Assembly, by procuring themselves to be discharged as Insolvent Debtors; by Means whereof, many Creditors, of low Circumstances, have lost their Debts, and been obliged to pay the Costs of Suit: BE IT THEREFORE ENACTED by the Honourable PATRICK GORDON, Esq; Lieutenant-Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Person or Persons whatsoever, shall have any Benefit of the aforesaid Act of Assembly for the Relief of Insolvent Debtors, for any Sum or Sums of Money which they owed before the making of the said Act, except such Persons as were actually Prisoners in some of the public Goals of this Province, on or before the First Day of *August*, in the Year One Thousand Seven Hundred and Thirty, any Thing in the said Act to the contrary in any wise notwithstanding.

Who shall
not have the
Benefit of the
Insolvent
Act.

Single Per-
sons;

II. *AND be it further enacted by the Authority aforesaid*, That no Person or Persons, being unmarried and under the Age of Forty Years, having no Charge of Children; and being, or that shall be indebted to any one or more Persons, in any Sum or Sums of Money, in the Whole not exceeding *Twenty Pounds*, shall have any Benefit of the aforesaid Act of Assembly; but such Person or Persons shall be liable to be arrested and imprisoned for their respective Debts, as if the said Act of Assembly had never been made.

may make
Satisfaction
by Servitude.

III. *PROVIDED always, and be it further enacted by the Authority aforesaid*, That any Person or Persons within this Province, that shall be arrested and imprisoned for any Debt, Sum or Sums of Money, or other Thing, which was owing by them before the First Day of *August* last past; and that any single Person, under the Age of Forty Years aforesaid, having no Charge of Children, and whose Debts in the Whole do not exceed *Twenty Pounds*, whether the Debts owing by such Person were contracted before the said First Day of *August* last, or since that, or shall hereafter be contracted, and being arrested or imprisoned for the same, or any Part thereof, may, at any succeeding Court to be held for the City or County where he or she is imprisoned, next after his or her Imprisonment, exhibit to the Justices of the said Court, upon Oath or Affirmation, an Account of all their Effects, to which they have any Right in Law or Equity, and the Names of their Creditors, at whose Suit such Person is imprisoned, and the Sums of Money which they owe, and when the same became due, as far as his or her Knowledge does extend, and shall by Petition shew to the Court their Inability to pay the Debts for which such Person is imprisoned, and shall make an Assignment of their Effects to any Person that shall be appointed by the Court, in Trust for his or her Creditors, or for such of them as the said Court shall direct, and shall signify his or her Willingness to make Satisfaction by Servitude, for the Residue of the Debt, the Party petitioning shall be discharged, as by an Act of Assembly of this Province, intituled, *An Act about Arrests, and making Debtors pay by Servitude*, is provided; which said Act of Assembly is hereby revived, and declared to be and continue in full Force, for the Purposes in this Act mentioned, any Thing in the aforesaid Act of Assembly for Relief of Insolvent Debtors contained to the contrary notwithstanding.

New Comers
to have no
Benefit by
that Act.

IV. *AND be it further enacted by the Authority aforesaid*, That no Person or Persons, who have not resided within this Province for the Space of two Years, next before his or her Imprisonment, shall have the Benefit of the aforesaid Act for Relief of Insolvent Debtors.

V. *PRO-*

V. *PROVIDED* nevertheless, That if the Person at whose Suit any Person is arrested, shall refuse or neglect to give Security for Payment of such weekly Allowance, for Maintenance of the Defendant, as the Justices of the Court where the said Suit is depending shall direct and award, and also give Security that the said Defendant or Defendants, his or their Wife or Children, nor any of them, shall become chargeable to the Town or County where such Person or Persons are imprisoned, it shall and may be lawful for the Justices of the said respective Courts of Common Pleas within this Province, and they are hereby required, in such Case, to cause the Action or Actions against the Person or Persons so imprisoned to be discontinued, and the Parties thereupon to be discharged.

Surety to be given by Plaintiffs, to indemnify the Town or County.

VI. *AND* be it further enacted by the Authority aforesaid, That if any Person be imprisoned in any City or County of this Province, for any Debt under *Forty Shillings*, having no Effects to pay the same, and shall be willing to make Satisfaction by Servitude, it shall and may be lawful for any two Magistrates, in any County or City within this Province where the Party is imprisoned, to proceed to relieve the Party so imprisoned, by judging such Debtor to make Satisfaction by Servitude.

VII. *AND* whereas some Doubts have arisen, concerning the Meaning of some Part of the aforesaid Act of Assembly for Relief of Insolvent Debtors, touching the Time of Sheriff being capable to hold his Office in any County of this Province, and the Uses to which the Fine of *Two Hundred Pounds*, imposed on any Person occupying the Office of Sheriff contrary to the Directions of the said Act, shall be applied: Therefore, for the removing any Doubts that have arisen, or may arise, concerning that Part of the aforesaid Act, *Be it enacted by the Authority aforesaid*, and it is hereby declared to be the true Intent and Meaning of the aforesaid Act of Assembly, That no Sheriff who had been elected, and who had occupied the Office of a Sheriff or Under Sheriff, in any County of this Province, for the Space of three Years at one Time, shall be again elected Sheriff for the said County, or serve or occupy the Office of a Sheriff in the same County, within the Space of three Years next after his being Sheriff as aforesaid. *And it is hereby enacted and declared*, That of the two Persons elected for the Office of Sheriff, and returned to the Governor, one being commissioned, the other shall not act as Under Sheriff to the Person appointed Sheriff, during the Term of the said Sheriff's Commission. And that if any Sheriff or Under Sheriff within this Province, shall be elected contrary to the true Intent and Meaning of this Act, and the aforesaid Act of Assembly, such his Election shall be null and void; and if any such Sheriff, or Under Sheriff, shall again enter upon and occupy the Office of a Sheriff, contrary to the Directions and Provision made in and by this and the last mentioned Act of Assembly, he shall forfeit and pay the Sum of *Two Hundred Pounds*, as in the said Act is directed, one Moiety thereof to the Person or Persons who will inform or sue for the same, and the other Half to be paid to the Provincial Treasurer, towards the Support of Government, to be recovered by Action of Debt, Bill, Plaint or Information, wherein no more than one Imparlance shall be allowed; and that no Pardon, *Noli prosequi*, or other Act of the Governor or Lieutenant-Governor for the Time being, shall be any Bar or Hindrance to the suing for, recovering and levying the said Fine for the Uses aforesaid.

Clause to the former Act explained.

Passed February 6, 1730-31.—Recorded A, Vol. II. p. 419.

C A P. IV.

An ACT for the better Prevention of Accidents that may happen by Fire in the City of *Philadelphia*, by Bake-Houses and Coopers-Shops.

FOR the further securing the Inhabitants of the City of *Philadelphia*, from the Dangers that may happen by Fire, BE IT ENACTED by the Honourable PATRICK GORDON, Esq; Lieutenant-Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That from and after the Space of Sixteen Months next ensuing the Publication of this Act, no Person whatsoever, within the said City, by himself,

How
Coopers
Shops must
be built.

self, his Agents, Journeymen, or Servants, shall occupy the Trade of a Cooper or Baker, but in such Shops or Places as are built in the Manner herein respectively directed and appointed; that is to say, That no Person, after the Time aforesaid, shall occupy the Trade of a Cooper within the said City, but in a Shop or Place, built of Brick or Stone, with a large Chimney in the same, the Cieling thereof plaistered, no Stairs nor Passage up the Loft within such Shop, and the Floor thereof to be Earth, or laid with good Two-inch Oak Plank. And that no Person, after the Time aforesaid, within the said City, shall occupy the Trade of a Biscuit or Soft-bread Baker, but in a Bake-House built of Brick or Stone, and arched over with Brick, if the Place will admit thereof, or otherwise to be well cieled with Plaistering; the Floor of the said Bake-House paved with Brick or Stone; the Crown of the Oven to be secured by carrying up the Foundation Walls square, and filling the same with Gravel or Sand, at least Six Inches higher than the Top of the Oven; and the Chimney to be arched in the said Bake-House, without any Timber in or near adjoining to the same.

How Bake-
Houses must
be built.

II. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons, from and after the Time aforesaid, shall presume by themselves, their Agents, Journeymen or Servants, to occupy the Trade of a Cooper, or Biscuit or Soft-bread Baker, or either of them, within the City aforesaid, in any Shop or Place, other than is above directed, enjoined and appointed, every Person so offending, for every Month he, she or they, shall occupy the Trades of Baker or Cooper, or either of them, in any Shop or Bake-House, contrary to the Directions of this Act, shall forfeit as herein after is provided; that is to say, For the first Offence, the Sum of *Twenty Shillings*; and for the second Offence, the Sum of *Thirty Shillings*; and for the third, and every other Offence, the Sum of *Forty Shillings*; to be recovered, upon Complaint made in the Name of the Clerk of the Market for the City of *Philadelphia*, or in the Name of any other Person who will give Information of the same, for and towards the Repair of Fire Engines, and purchasing Leathern Buckets, before two Magistrates of the said City, whereof the Mayor for the Time being to be one.

Penalty on
Offenders
against this
Act.

III. *PROVIDED always*, That if any Person or Persons shall find him, her or themselves aggrieved, with any Judgment or Sentence of the said two Magistrates, it shall and may be lawful for the Person or Persons, so aggrieved, to appeal to the next Court of Common Pleas, to be held for the City and County of *Philadelphia* aforesaid, whose Judgment therein shall be definitive.

Keeping of
Hay and
Faggots re-
gulated.

IV. *AND be it further enacted by the Authority aforesaid*, That no Person whatsoever within the City aforesaid, from and after the Tenth Day of *May* next ensuing, shall keep or stack any Hay, within One Hundred Feet of any Dwelling-House or other Building, except it be in a Stable, or other secure House, nor shall keep any greater Number of Faggots than Two Hundred, unless it be at a Distance of One Hundred Feet from any Dwelling-House or other Building, under the Penalty of *Ten Shillings* for every Offence; which Penalties so accruing, shall be recovered and applied in the Manner, and to the Use aforesaid, with Costs of Suit; and the Hay and Faggots, so remaining against the Tenor of this Act, shall be liable to be removed, in such Sort, Manner and Form, as any Nuisance may be by the Laws of *Great-Britain*, or this Province.

Passed February 6, 1730-31.—Recorded A, Vol. II. p. 421.

C A P. V.

A SUPPLEMENT to the Law, intituled, *An Act to prevent the killing of Deer out of Season, and against carrying of Guns and Hunting by Persons not qualified.*

Passed February 6, 1730-31.—Recorded A, Vol. II. p. 422.—Repealed by 33 GEO. II.

C A P. VI.

An ACT for the better enabling divers Inhabitants of the Province of *Pennsylvania*, to hold Lands, and to invest them with the Privileges of natural born Subjects of the said Province.

Passed February 6, 1730-31.—Recorded A, Vol. II. p. 423.

C A P. VII.

An ACT for the Relief of *Benjamin Mayne*, with Respect to the Imprisonment of his Person.

Passed February 6, 1730-31.—Recorded A, Vol. II. p. 425.

C A P. VIII.

An ACT to disable *William Fishbourne* from holding any Office of Trust or Profit within this Province, and to secure the Payment of a Provincial Debt, due from the said *William Fishbourne*.

Passed February 6, 1730-31.—Recorded A, Vol. II. p. 427.—Obsolete.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1731, in the Fifth Year of GEORGE II. and continued by Adjournments to the Fifteenth Day of *August* following.

C A P. I.

An ACT for reviving and continuing the Proceedings of the Courts of Judicature within this Province.

Passed November 27, 1731.—Recorded A, Vol. III. p. 1.—Obsolete.

C A P. II.

An ACT for repealing an Act, intituled, *An Act for continuing the Encouragement for raising good Hemp within this Province, &c.*

Passed January 20, 1731-32.—Recorded A, Vol. III. p. 3.—Expired.

C A P. III.

An ACT directing the Manner of Payment of Assemblymens Wages, out of the Interest Money arising from the Loan-Office.

Passed August 15, 1732.—Recorded A, Vol. III. p. 4.—Expired.

C A P. IV.

A Supplementary ACT to the Act for raising County Rates and Levies.

WHEREAS it is found by Experience, that the Method for assessing the Preamble.
Inhabitants of the Province of *Pennsylvania*, and the Disposition of the Monies, raised by Virtue of an Act of Assembly of this Province, intituled, *An Act for raising County Rates and Levies*, has not altogether answered the good Ends proposed by that Act; and some Doubts having arisen, concerning the Time of the Commissioners Continuance in their Office of Commissioners, and of the Powers of the said Commissioners and Assessors by the aforesaid Act; to the End therefore that those Doubts may be removed, and that it may be known how the Monies raised by Virtue of the said Act of Assembly is disposed of, and to what Uses the same is applied; BE IT ENACTED by the Honourable PATRICK GORDON, Esq; Lieutenant-Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Person or Persons whatsoever, who is or hereafter shall be chosen a Commissioner for any of the Counties within this Province, shall serve as a Com-
missioner for any longer Time than the Space of three Years at one Time; and if any such Person be re-elected in the same County where before he had served as Commissioner the preceding Year, such Election shall be void, and the next
County
Commission-
ers not to
serve above
three Years.
Person

Person, being qualified to be elected as the Law directs, having the greatest Number of Votes for Commissioner, shall be, and is hereby declared to be the Commissioner legally elected, and shall be qualified and serve accordingly.

To exhibit
their Ac-
counts to the
Justices and
Grand Jury.

II. *AND be it further enacted by the Authority aforesaid*, That the Commissioners, Assessors and Treasurers of the several Counties within this Province, shall, at the respective Courts of General Quarter Sessions of the Peace to be held for the Counties of *Philadelphia* and *Bucks*, in the Month of *September*, and at the respective Courts of General Quarter Sessions of the Peace to be held for the Counties of *Chester* and *Lancaster*, in the Month of *August*, yearly exhibit to, and lay before the Justices and Grand Juries of the said respective Counties to which they belong, as well the Books of Entries and Accounts, directed by the aforesaid Act to be kept by the Treasurers, as a true and particular Account of all the Monies by them assessed and raised, by Virtue of their several Offices; as also an Account to whom and for what Use or Uses, the same Money, and every Part and Parcel thereof, was paid out again, with the proper Vouchers, if required; which Books, Accounts, and Receipts or Vouchers, being seen and examined by the Justices and Grand Juries of the said respective Counties, the said Books, and Receipts or Vouchers, shall be delivered back safely, without Alteration, to the respective Treasurers; and the Accounts shall be filed, and kept among the Records and Proceedings of the said Court of General Quarter Sessions of the Peace for such County,

In whose
Power to di-
rect Bridges
to be built.

III. *AND* whereas by an Act of Assembly, made in the Twelfth Year of the Reign of the late King WILLIAM the Third, intituled, *An Act for erecting Bridges and maintaining High-Ways*, &c. it is provided, that the County Courts, with the Concurrence of the Grand Jury, shall agree with and appoint some Persons to build Bridges in their respective Counties; and the Commissioners and Assessors having of late, by Colour of the aforesaid Act of Assembly for raising County Levies, claimed a Power of directing the building of Bridges, and of agreeing with Workmen for doing the same, without the Concurrence of any Court or Grand Jury, therefore, to prevent for the future any Mistakes or Misunderstandings concerning the Power of the Commissioners and Assessors, *It is hereby further declared and enacted*, That the Grand Juries, Commissioners and Assessors, with the Concurrence of the Justices of the General Quarter Sessions of the Peace, shall be the sole Judges of the Place where any Bridge shall be built and maintained over any Creek or Rivulet, within the respective Counties to which they belong; and that the Commissioners and Assessors, with the Concurrence of the Justices of the said respective Counties, at their respective General Quarter Sessions of the Peace, shall agree with Workmen for building, repairing and maintaining any Bridge or Bridges, ordered to be built or repaired as aforesaid, within their respective Counties; and that the Commissioners for the Time being shall allow of, and pay the Monies becoming due for the same accordingly.

Passed *August* 15, 1732.—Recorded A, Vol. III. p. 5.

At

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1733, in the Seventh Year of GEORGE II. and continued by Adjournments to the Seventeenth Day of *August* following.

C A P. I.

An ACT for reviving an Excise on Wine, Rum, Brandy and other Spirits.
Expired.

C A P. II.

An ACT to prevent the Exportation of Bread and Flour not merchantable.

WHEREAS by a Law of this Province, made for preventing the Exporta- Preamble.
tion of Flour not merchantable, the Credit of the said Province, in one of its most considerable Branches, hath in some Measure been retrieved; but forasmuch as it becomes the Prudence of the Legislature, to do all that in them lies to advance the Credit of this our Staple Commodity in Foreign Markets, and it having been found by Experience that some farther Regulations may be necessary to promote the good Intention of the said Act: Therefore, to the End that the said Credit of our Trade, and the Benefits thence arising, may be continued and improved, BE IT ENACTED by PATRICK GORDON, Esq; with the King's Royal Approbation, Lieutenant-Governor, under the Honourable JOHN PENN, THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the Province aforesaid, in General Assembly met, and by the Authority of the same, That every Bolter of Flour, and Baker of Bread, residing, or at any Time hereafter, during the Continuance of this Act, to reside within this Province, shall, each one for himself, provide and have a distinguishable Brand-Mark, and shall therewith brand each and every Cask of Flour or Biscuit, of his own bolting or baking, before the same shall be removed from the Place where the same was so as aforesaid bolted or baked, under the Penalty of *One Shilling*, for every Cask so removed and not branded as aforesaid; but before any such Bolter or Baker shall bolt any Flour, or bake any Bread, for Exportation out of this Province, every such Bolter or Baker shall cause such his Brand-Mark, together with his Name and Place of Abode, to be entered with the Clerk of the Court of Quarter Sessions for the County where he doth reside, if not already done, and so from Time to Time, as often as any such Bolter or Baker shall move the Place of his Residence from one County of this Province into another, within the Space of one Month after such Removal, or any Alteration of his Brand-Mark, he shall there cause his Mark, Name, and Place of Residence, to be entered with the Clerk of the respective County; for recording whereof the Clerk shall have and receive *One Shilling* each, and no more; and every Bolter or Baker, offending herein, shall forfeit and pay the Sum of *Twenty Shillings* for every such Offence.

Bolters and Bakers to keep Brand-Marks, &c.

II. AND be it enacted by the Authority aforesaid, That all Wheat Flour Flour, &c.
bolted for Exportation, from and after the Publication of this Act, shall, by the to be honestly packed, &c.
Bolter thereof, be and be made merchantable and of due Fineness, without any Mixture of coarser or other Flour, and honestly and well packed in good strong Cask, well made, and of Staves thoroughly seasoned, with the Tare thereof there-
upon

upon marked, the Cask being first weighed by Weights tried by, or made agreeable to, the Standard of Weights in this Province, wherewith the Bread and Flour packed shall also be weighed, and each and every Cask thereof, Bread in tight Casks excepted, shall be well and sufficiently nailed, before the same be moved or carried from the Place where the same was made as aforesaid. And if any Bolter or Baker shall offend in all or any of the Premises, he, she or they, shall forfeit and pay for every such Offence, the Sum of *One Shilling* for each Cask.

Penalty on
false taring
of Cask.

III. *AND be it enacted by the Authority aforesaid*, That if any Person or Persons shall put a false or wrong Tare on any Cask of Flour or Bread, to the Disadvantage of the Purchaser, he, she or they, shall forfeit and pay for every such Cask falsely tared as aforesaid, the Sum of *Five Shillings*. And the Officer for each County respectively, or his Deputy, upon Suspicion, or upon the Request of the Buyer, shall and are hereby required to unpack any such Cask of Flour or Bread, in order to try the Tare thereof, and if the said Cask or Casks be found to weigh more than is marked thereon, the Baker or Bolter shall pay the Charge of unpacking and repacking, over and above the *Five Shillings* for each Cask as aforesaid. But if the Tare thereon marked be found just and true, then the Officer, or Purchaser, if the Trial be made at his Request, shall pay the Costs of unpacking and repacking.

Invoice to
be delivered
with Bread
and Flour.

IV. *AND be it enacted by the Authority aforesaid*, That every Miller or Bolter of Flour, and every Baker of Bread for Exportation as aforesaid, shall deliver with the said Flour or Bread an Invoice of the Contents thereof, with his said Brand-Mark made thereon, together with his Name signed thereto, under the Penalty of *Forty Shillings*, for every Invoice delivered contrary to the true Intent and Meaning hereof. And if any Cask or Casks of Flour or Bread, upon Trial, be found lighter than is set down in the said Invoice, every such Bolter or Packer thereof shall forfeit and pay *Three-pence* for every Pound of Flour or Bread the same is found wanting, or lighter than invoiced. And if any Person or Persons shall be convicted of any other wilful Fraud or Cheat in packing of Flour or Bread, or of wilfully making a fraudulent Invoice of the Nett Proceeds or Weight of any Flour or Bread, the Person offending therein shall forfeit and pay the Sum of *Five Pounds* for every such Offence.

Penalty on
Frauds.

Carts, &c.
to have good
Covering.

V. *AND be it enacted by the Authority aforesaid*, That no Cart, Wain or Waggon, shall be made Use of, for the carrying or conveying of Flour or Bread from any Mill or other Place to the Place of Exportation, or to any Landing Place, but such as shall have and be provided with a good and sufficient Covering; and that no Flour shall be left at any Landing, or other Place, in order to be transported or carried to the Place of Exportation, except the same be put in a Store or Shelter sufficient to keep it dry; and that no Flour or Bread shall be carried or conveyed by Water, from any Mill or Landing Place to the Place of Exportation, in any open Boat, Flat or Shallop, without a good and sufficient Covering or Tarpaulin, to secure the same in case of Rain.

Penalty on
suffering
Flour to take
Damage.

VI. *AND be it enacted by the Authority aforesaid*, That if the Owner or Possessor of any Cart, Wain, Waggon, Boat, Flat or Shallop, cause or suffer any Flour or Bread to be wet or take Damage, for Want of due Care, or not being provided as aforesaid, in the moving, carrying, or transporting the same from any Mill or Landing Place to the Place of Exportation, every such Person or Persons shall forfeit and pay, for every Cask of Flour or Bread damaged as aforesaid, the Sum of *One Shilling*.

No Flour to
be shipped
before ex-
amined;

VII. *AND be it enacted by the Authority aforesaid*, That no Merchant or Person whatsoever shall lade or ship any Flour for Exportation out of this Province, before he shall first submit the same to the View and Examination of the Officer, or his Deputy, of the respective County from whence the same is intended to be shipped, who shall search and try the same, by boring the Head, and piercing it through with an Instrument to be contrived for that Purpose, in order to prove whether it be honestly and well packed, as also to enable him to judge of its Goodness, and shall afterwards plug up the Hole; and if the said Officer shall judge the same to be merchantable, according to the Direction of this present Act, he shall brand every such Cask of Flour on the Quarter with the Provincial Brand-Mark, which the said respective Officers shall, each one for himself, provide and have for that End and Purpose, sufficient and capable to impress, in a

and branded.

fair

fair and distinguishable Manner, the Arms of the Province of *Pennsylvania*, with the Letter *P* on one Side thereof; and to distinguish the Counties, *Philadelphia* County Brand-Mark shall have the Letter *P*, *Bucks* County the Letter *B*, and *Chester* County the Letter *C*, on the other Side thereof; for which Trouble of the said respective Officer, he shall have and receive of the Shipper, *One Penny* for each Cask, and no more.

VIII. *PROVIDED* always *nevertheless*, That if any Dispute shall happen to arise, between the said Officers and Possessor of such Flour, concerning the Fineness or Goodness thereof, upon Application made to one of the Magistrates of the City or County where the Dispute arises, he shall issue his Warrant to two indifferent judicious Persons of Skill and Integrity, to view and search the said Flour, and make Report forthwith according as they find the same, and the said Magistrate is hereby impowered and required to give Judgment accordingly; and in case the said Flour is judged not fit to be exported, the said Magistrate shall order it not to be exported, under the Penalty of Forfeiture of all such Flour; and shall also award and order the Owner or Possessor of the said Flour to pay the said Officer *One Shilling* for each Cask, for all such Flour as shall be adjudged not fit for Exportation as aforesaid, with reasonable Charges, who shall recover the said Costs and Charges from the Bolter or Maker thereof; but in case the said Flour upon Trial shall be found to be good and merchantable, according to the Directions of this Act, the Charges of Prosecution shall be paid by the Officer; and in case any Flour shall upon Trial be found not merchantable or fit to be exported, the Officer shall take the Bolter's Brand, and the Marks and Numbers of such Casks of Flour, and shall also note upon the Invoice of the said Flour the Numbers of so many of them, as shall be found not merchantable; and if the same Flour be afterwards shipped in order for Exportation, the Proof that it is not the said Flour shall lie wholly on the Owner or Shipper thereof, and shall not be incumbent on the said Officer.

IX. *AND* be it enacted by the Authority aforesaid, That the said Officer, or his Deputies, shall have full Power and Authority, by Virtue of this Act, and without any further or other Warrant, to enter on board any Ship, Sloop or Vessel whatsoever, lying or being in any Port or Place of this Province, and into any House, Store or Place whatsoever, within the Province aforesaid, to search for and make Discovery of any Flour shipped, or intended to be shipped for Exportation; and if the Owner or Possessor thereof, or their Servants or others, shall deny him or them Entrance, or if the said Officer, or his Deputies, shall be any ways molested in making such Discovery as aforesaid, or if such Merchant or Owner shall refuse to permit the said Officer, or his Deputies, to view and examine any Flour, or not permit him or them to brand the same, if merchantable, according to the Direction of this Act, every such Person, so offending, shall forfeit and pay the Sum of *Ten Pounds*, or shall ship off any Cask or Casks of Flour not branded with the Provincial Brand-Mark aforesaid, every such Person, so offending, shall forfeit and pay the Sum of *Five Shillings* for every Cask of Flour so shipped.

X. *AND* be it enacted by the Authority aforesaid, That *Samuel Carpenter*, of *Philadelphia*, Merchant, shall be and is hereby appointed the Officer for viewing and examining all Flour shipped, or intended to be shipped directly out of this Province from the City and County of *Philadelphia*; and that *William Atkinson*, of *Bucks* County, Yeoman, shall be and is hereby appointed the Officer for viewing and examining all Flour shipped, or intended to be shipped directly out of this Province from the County of *Bucks*: And *John Owen*, of *Chester*, Gent. shall be and is hereby appointed the Officer for viewing and examining all Flour shipped, or intended to be shipped directly out of this Province from the County of *Chester*. And if any or either of the Officers hereby appointed, or hereafter to be appointed, shall by any Accident be rendered incapable, or neglect to execute the said Office, or shall misbehave him or themselves therein, or shall happen to die, then and so often, and from Time to Time, it shall and may be lawful to and for a Majority of the Justices of the Peace of the respective Counties, to supply his or their Place by some other fit and capable Person, who shall thereupon be the Officer for putting this Act in Execution for the respective County, until the Assembly appoints another. But before the said Officers, hereby or hereafter to be appointed, shall do

Officers to
take an
Oath or
Affirmation.

Officers may
appoint De-
puties.

any Thing in the Execution of their said Office, they shall each of them take an Oath or Affirmation, before any one Justice of the Peace of any County of this Province, faithfully and impartially to perform his Duty and Trust, to the best of his Capacity, according to the Directions of this present Act.

XI. *AND be it enacted by the Authority aforesaid*, That the said respective Officers hereby appointed, or hereafter to be appointed, are hereby impowered to appoint Deputies in the respective Counties, for whom he or they shall be accountable; which said Deputies, having taken the same Oath or Affirmation required to be taken by the Principals, are hereby fully impowered to act as Deputy Officers in their respective Counties, for the searching and branding Flour, and for all other Things required to be done by this Act, to all Intents and Purposes whatsoever.

Wheat to be
screened be-
fore ground.

Penalty.

Weights and
Measures to
be brought
to the Stand-
ard.

Penalty on
counterfeit-
ing Brand-
Marks.

How the
Forfeitures
are to be re-
covered and
disposed of.

XII. *BUT* forasmuch as all the Endeavours and Skill that can be used in the making of Flour good will prove ineffectual, except due Care be taken in the Management of the Grain before it be ground, Therefore, *Be it enacted by the Authority aforesaid*, That every Owner, Possessor or Occupier, of any Grist Mill, shall have and be provided with a Screen, wherewith all the Wheat to be ground into Flour for Exportation shall be first screened; and if any Owner, Possessor or Occupier, of any Grist Mill shall, by himself, Servants or others, presume to grind, or suffer to be ground into Meal for Bolting, for Exportation out of this Province, any Wheat, before the same be screened as aforesaid, or shall grind or suffer to be ground any unsound, ill-dressed, foul or unmerchantable Wheat, to be bolted for Exportation as aforesaid, or shall bolt any Meal so ground, before the same be thoroughly cooled and dried, he, she or they, so offending in the Premises, shall forfeit and pay for every such Offence the Sum of *Thirty-five Shillings*, on due Proof thereof made by one or more credible Witnesses, before any one Justice of the Peace of the County or Place where the Fact was committed.

XIII. *AND be it enacted by the Authority aforesaid*, That every Miller, Bolter and Baker, within this Province, is hereby required, within Six Months after the Publication of this Act, and afterwards once in every three Years, to bring his or their Weights and Measures to the Standard in each County, to be examined and tried, and to have them made to agree with the Standard, and stamped and marked, as directed by an Act of Assembly of this Province of the Twelfth of King WILLIAM the Third, intituled, *An Act for regulating Weights and Measures*, under the Penalties and Fines imposed by the same Act.

XIV. *AND be it enacted by the Authority aforesaid*, That if any Person or Persons shall counterfeit the said Provincial Brand-Marks, or either of them, or impress or brand the same on any Cask of Flour, he, she or they, being thereof legally convicted, shall, for the first Offence, forfeit and pay the Sum of *Five Pounds*, and for the second Offence the Sum of *Ten Pounds*, and for the third and every other such Offence, the Offender shall be committed to Goal, and sentenced to the Pillory, there to stand the Space of two Hours, on a Market Day, in any City, Borough or Town, of the respective Counties of this Province, where the Fact was committed.

XV. *AND be it enacted by the Authority aforesaid*, That all and singular the Fines, Forfeitures and Charges, mentioned in this Act, where the same respectively exceed not *Forty Shillings*, the same shall be recovered in the same Manner as other Debts under *Forty Shillings*, by the Law of this Province; and where the same exceed *Forty Shillings*, they may be sued for, and shall be recovered in any Court of Record in this Province, by Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law, nor any more than one Imparlance, shall be allowed. All which said Fines and Forfeitures, not herein before directed how to be applied, shall be paid to the respective Officer, or his Deputy aforesaid, who is hereby strictly enjoined and required to keep just and true Accounts thereof, and shall once every Year, at the Time of appointing Overseers of the Poor, deliver unto the Magistrates a true and exact List of all the Fines and Forfeitures arising from this Act for the Year past, in the respective Counties; the one Half whereof he or they shall immediately pay into the Hands of the Overseers of the Poor, for the Use of the Poor of the Place where the Forfeitures happened, and

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the other he or they may detain to his or their own Use, as Prosecutor; and if any or either of the Officers as aforesaid shall refuse or neglect to account for and pay as aforesaid, he or they shall forfeit their Office, any Law, Usage, or Custom to the contrary in any wise notwithstanding.

XVI. *PROVIDED always*, That the Officer herein appointed to examine and brand Flour as aforesaid for the City and County of *Philadelphia*, nor his Deputies, nor any other Person or Persons to be appointed in their or either of their Places or Stead, shall, during the Continuance of this Act, by him or themselves, or by any other Person to his or their Use, or by his or their Procurement, vend, barter, sell, exchange or trade in Flour, under the Penalty of *Fifty Pounds*, to be recovered by Action of Debt, Bill, Plaint or Information, by any Person or Persons who will sue for the same to Effect, in any Court of Record in this Province, one Half thereof to the Use of the Person or Persons so suing, the other Half thereof to be paid to the Treasurer of this Province, towards the Support of Government. And the Person or Persons duly convicted of any such Offence or Offences against this Act shall be, and are hereby disabled from acting thereafter in their respective Offices; and the Justices of the City and County of *Philadelphia* are hereby authorized and required to appoint another or others, in Lieu or Stead of the Person or Persons so offending, who shall have the same Powers and Authorities, and be liable to the same Restrictions and Penalties, as the Officers in this Act named, until others are appointed by the Assembly of this Province.

XVII. *AND be it enacted by the Authority aforesaid*, That the said Act, intituled, *An Act to prevent the Exportation of Bread and Flour not merchantable*, and every Article, Clause or Thing therein contained, shall be, and is hereby repealed to all Intents and Purposes whatsoever.

Passed January 19, 1733-34.—Recorded A, Vol. III. p. 7.—Altered 19 GEO. II.

C A P. III.

An ACT for confirming the Repeal of divers Laws of this Province.

WHEREAS the late King CHARLES the Second, by his Royal Charter, bearing Date at *Westminster*, the Fourth Day of *March*, in the Thirty-third Year of his Reign, was graciously pleased, for the Consideration therein mentioned, to give and grant unto the late WILLIAM PENN, Esq; and to his Heirs and Assigns, all that Tract of Land, now known and called by the Name of *The Province of Pennsylvania*; and by the same Royal Charter, the said late King did, for himself, his Heirs and Successors, make, create and constitute him, the said late WILLIAM PENN, Esquire, true and absolute Proprietary of the said Country, saving always to the said late King, his Heirs and Successors, the Faith and Allegiance of the said WILLIAM PENN, Esquire, his Heirs and Assigns, and of all other the Proprietaries, Tenants and Inhabitants, that then were, or thereafter should be, within the Territories and Precincts aforesaid; and likewise saving to the said late King, his Heirs and Successors, the Sovereignty of the aforesaid Country, to have, hold, possess and enjoy the said Tract of Land, together with all the Islands therein contained, unto the said WILLIAM PENN, Esquire, his Heirs and Assigns, to the only proper Use and Behoof of the said WILLIAM PENN, his Heirs and Assigns, for ever. And whereas the said late King CHARLES the Second, reposing special Trust and Confidence in the Fidelity, Wisdom, Justice and provident Circumspection, of the said WILLIAM PENN, did further, by his said Royal Charter, for himself, his Heirs and Successors, grant free, full and absolute Power to the said WILLIAM PENN, Esquire, and to his Heirs, and to his or their Deputies and Lieutenants, for the good and happy Government of the said Country, to ordain, make and enact, and under his or their Seal to publish, any Laws whatsoever, for the raising of Money for the public Use of the said Province, or for any other End, appertaining either to the public State, Peace or Safety of the said Province, or to the private Utility of particular Persons, according to his or their best Discretion, by and with the Advice, Assent and Approbation, of the Freemen of the said Country, or the greater Part of them, or of their Delegates or Deputies: But to the End that the said WIL-

LIAM

LIAM PENN, or his Heirs, or other the Planters, Owners or Inhabitants, of the said Province, might not, at any Time thereafter, by Misconstruction of the Powers aforesaid, through Inadvertency, or Design, depart from the Faith and due Allegiance, which by the Laws of the Realm of *England* they, and all the said late King's Subjects, in his Dominions and Territories, were always obliged to own to the said late King and his Successors, by Colour of any Extent or Largeness of Power in the said Royal Charter given, or pretended to be given, or by Force or Colour of any Laws thereafter to be made in the said Province, by Virtue of any such Powers, the said late King was pleased to declare his further Will and Pleasure to be, that a Transcript or Duplicate of all Laws, which should be so as aforesaid made and published within the said Province, should, within Five Years after the making thereof, be transmitted and delivered to the Privy Council, for the Time being, of the said late King, his Heirs and Successors. And if any of the said Laws, within the Space of Six Months after they should be so transmitted and delivered, should be declared by the said late King, his Heirs and Successors, in his or their Privy Council, inconsistent with the Sovereignty or lawful Prerogative of the said late King, his Heirs and Successors, or contrary to the Faith and Allegiance due to the legal Government of the Realm of *England*, from the said WILLIAM PENN, Esq; and his Heirs, or from the Planters and Inhabitants of the said Province, and that thereupon any of the said Laws should be adjudged and declared to be void by the said late King, his Heirs or Successors, under his or their Privy Seal, that then and from thenceforth such Laws, concerning which such Judgment and Declaration should be made, should become void, otherwise the said Laws so transmitted should remain and stand in full Force, according to the true Intent and Meaning thereof; as by the said Royal Charter, Relation thereunto being had, does more fully appear. And whereas, in Right of and by Virtue of the Powers granted to the said WILLIAM PENN, Esq; and his Heirs, in and by the said Royal Charter, many Laws and Ordinances have, from Time to Time, since the Settlement of the said Province, been made by the said WILLIAM PENN, Esq; and his Heirs, and his and their Deputies and Lieutenants, by and with the Advice and Assent of the Delegates or Representatives of the Freemen of the said Province, in General Assembly met, and published under the Great Seal of the said Province. And whereas divers of the said Laws, after being made and published in Manner aforesaid, have, according to the Directions of the said Royal Charter, been transmitted to the Privy Council of the said late King and his Successors, where the same have been by them, in their Privy Council, adjudged to be void: But, forasmuch as the said Laws not having been declared void under the Privy Seal of the said late King or his Successors, according to the express Terms of the said Royal Charter, some Doubts have arisen, whether the said Laws were, by such Declaration, actually made void and repealed; to the End therefore that all Scruples, touching the Repeal of the said Laws, may be effectually removed, and that no Doubts may hereafter be made concerning the same, BE IT ENACTED by PATRICK GORDON, Esq; Lieutenant-Governor, by the King's Royal Approbation, under the Honourable JOHN PENN, THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all and every of the Laws, Ordinances or Acts of Assembly, of the Province of *Pennsylvania*, which, at any Time before the Publication of this Act, have been transmitted to the Privy Council, and have been adjudged to be void by the said late King, or his Successors, in his or their Privy Council, though the same were not declared to be void under the Privy Seal, according the Terms of the said Royal Charter, shall nevertheless be deemed, taken and allowed to be void, to all Intents and Purposes whatsoever, from the Time of such Declaration, in the same Manner as if the said Laws had been adjudged and declared to be void by the said late King, or his Successors, or any of them, under his or their Privy Seal, the Want of the said Privy Seal, or any other Formality, in such Declaration, in any wise notwithstanding.

Passed *January 19, 1733-34.*—Recorded A, Vol. III. p. 21.

Repeal of former Laws, though not under the Privy Seal, declared valid.

C A P. IV.

An ACT the better to enable *William Fishbourne* to discharge the Debt due from him to the Trustees of the General Loan-Office of this Province.

Passed *January* 19, 1733-34.—Recorded A, Vol. III. p. 24.—Obsolete.

C A P. V.

An ACT the more effectually to prevent the erecting of Wears, Dams, &c. within the River *Schuylkill*.

Passed *August* 17, 1734.—Recorded A, Vol. III. p. 26.—Repealed by Act of Assembly, 1 GEO. III.



At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1734, in the Eighth Year of GEORGE II. and continued by Adjournments to the Twelfth Day of *August* following.

C A P. I.

A SUPPLEMENT to the several Acts of Assembly of this Province for the Relief of the Poor.

WHEREAS it is found by Experience, that the Laws of this Province made for the Relief of the Poor, and for removing and punishing Rogues, Vagrants, and other idle and disorderly Persons, wandering about the Country, have not proved effectual for the good Purposes for which they were intended, and for securing the Inhabitants of this Province from being oppressed with great Charges, arising by such idle and disorderly Persons coming from the neighbouring Colonies into, and concealing themselves in, the City of *Philadelphia*, and the respective Townships of this Province, until they have either gained a Settlement, or become so sick and infirm, that they cannot be removed: For remedying which Inconveniences, BE IT ENACTED by PATRICK GORDON, Esq; with the King's Royal Approbation, Lieutenant-Governor, under the Honourable JOHN PENN, THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent* and *Sussex*, on *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Person or Persons whatsoever, coming into the City of *Philadelphia*, or into any Township or County within this Province, Mariners and other healthy Persons, coming directly from *Europe*, only excepted, although such Person be an hired Servant, and shall abide in such Service for the Space of one whole Year, and although any Person being an indented Servant, or be bound Apprentice by Indenture in the said City, or in any Township within this Province, and shall continue in such Apprenticeship or Servitude for the Space of one Year (which is hereby declared sufficient to gain such Apprentice and indented Servant a Settlement, upon Notice given as is hereafter directed in this Act, and not otherwise) or although any Person or Persons shall, on his own Account, execute any public annual Office or Charge in the said City, or any Township within this Province, during one whole Year, or be charged and pay his Share towards the County Taxes or Levies for the Poor of the said City or Township, or shall have *bona Fide* taken a Lease of a Tenement or Plantation, of the yearly Value of *Five Pounds* or upwards, within the City of *Philadelphia*, or any Township of this Province, shall be deemed to have gained a legal Settlement in the said City, or in any such Township, unless such

11 GEO. III.
Cap. 18.

All Persons, not coming directly from *Europe*, to give Notice to the Overseers of the Township in which they cometo inhabit.

Person or Persons shall, within five Days next after his or her coming into the City of *Philadelphia*, or into any Township within this Province, give Notice in Writing, which they are hereby required to do, of the House of his or her Abode, and the Number of his or her Family, if any he or she have, to the respective Overseers of the Poor, for the Time being, of the said City or Township, into which he or she shall come; nor shall any hired or indented Servant or Apprentice, by Virtue of his or her being hired, bound or assigned over unto any Person inhabiting the said City, Townships or Counties as aforesaid, gain a Settlement within the same, unless Notice be given in Writing, within ten Days after such hiring or binding as aforesaid, to the Overseers of the Poor, of the City or Township where such Person shall come to reside, by the Person who shall take such Apprentice, hire a Servant, or purchase an indented Servant, or by the Person or Persons so hired themselves, within ten Days next after such hiring; any Law, Custom or Usage, of this Province to the contrary in any wise notwithstanding.

Persons likely to become chargeable, refusing to give Security, may be removed, &c.

II. *PROVIDED* always, That if, upon Complaint made by the Overseers of the Poor of the City of *Philadelphia*, or of any Township within this Province, to such Magistrates as have a Right to hear the same, it shall be adjudged, within the Space of Twelve Months next after such Notice, that any Person or Persons is or are likely to become chargeable to the City or Township where he or she is come to reside, and shall, upon his or her being required, neglect or refuse to give Security, that he or she shall not become chargeable to the Inhabitants of the said City or Township, into which he or she is come, that then such Person or Persons shall be liable to be removed to the last Place of his or her legal Settlement, the giving of Notice as aforesaid, or any other Thing in this or any other Act of Assembly of this Province to the contrary in any wise notwithstanding.

No House-keeper to entertain Persons unfettled in this Province without Notice to the Overseers.

III. *AND* for the more effectual preventing Rogues, Vagabonds, and other idle and disorderly Persons, concealing themselves within the said City of *Philadelphia*, or in any Township or County within this Province, *Be it further enacted by the Authority aforesaid*, That if any House-keeper or Inhabitant of this Province shall, after the Publication of this Act, take into, receive or entertain, in his or her House or Houses, any Person or Persons whatsoever, healthy Mariners and other Persons, coming immediately from *Europe* into the said Province, only excepted, not being Persons who have gained a legal Settlement in some City or Township within this Province, and shall not give Notice in Writing, which they are hereby required to do, within three Days next after the taking into, or entertaining any Person or Persons in his or her House within the City of *Philadelphia*, to the Overseers of the Poor of the said City, and within the Space of ten Days next after his or her taking into, or entertaining any Person or Persons in his or her House, in any Township within this Province, to the Overseers of the Poor of the Township where such Person dwells, such Inhabitant or House-keeper being thereof legally convicted, by the Testimony of one credible Witness, on Oath or Affirmation, before any two Magistrates of the said City of *Philadelphia*, whereof the Mayor or Recorder to be one, or before any two Magistrates of the County where such Person dwells, shall forfeit and pay the Sum of *Twenty Shillings* for every Offence, the one Moiety to the Use of the Poor of the said City or Township respectively, and the other Moiety to the Informer, to be levied on the Goods and Chattels of the Delinquents, in the Manner herein after directed; and for Want of sufficient Distress, the Offender to be committed to the Work-house of the said City or County, there to remain, without Bail or Main-prize, for the Space of ten Days; and moreover, in case the Person or Persons so entertained or concealed shall become poor, and unable to maintain him or herself, and cannot be removed to the Place of his or her last legal Settlement, or shall happen to die, and not have wherewithal to defray the Charge of his or her Funeral, then in such Case the House-keeper or Person, convicted of entertaining or concealing such poor Person against the Tenor of this Act, shall be obliged to provide for and maintain such poor and indigent Person or Persons, and in case of such poor Person's Death, shall pay the Overseers of the Poor so much Money as shall be expended on the Burying of such poor and indigent Person or Persons; and upon Refusal so to do, it shall be lawful for the Overseers of the Poor of the said City or Township respectively, and they are hereby required to assess a Sum of Money on the Person or Persons so convicted, from Time to Time, by a weekly Assessment, for maintaining

And shall maintain them, if they be sick, and bury them, if they die.

maintaining such poor and indigent Person or Persons, or assess a Sum for defraying the Charges of such poor Person's Funeral, as the Case may be; and in case the Party convict shall refuse to pay the Sum of Money so assessed or charged to the Overseers of the Poor, for the Uses aforesaid, the same shall be levied of the Goods and Chattels of the Offender in the Manner herein after directed; but if such Person so convicted have no Goods or Chattels to satisfy the Money so assessed for him or her to pay, that then it shall and may be lawful for the said Justices to commit the Offender to Prison, there to remain, without Bail or Main-prize, until he or she have paid the same, or until he or she shall be discharged by due Order of Law.

IV. AND whereas it is found by Experience, that many poor Persons within this Province cannot find Employment in the City or Township where they are legally settled, yet might find Work for themselves and Families in other Places within the Province, but not being able to give Security, if required, upon their coming to settle in any other Place, that they and their Families shall not become chargeable or burthensome to any City or Township where they come to dwell, and by that Means are confined to their own City or Township, though their Labour may be wanted elsewhere; *Be it therefore enacted by the Authority aforesaid*, That if any Person or Persons whatsoever, from and after the First Day of May, which will be in the Year of our Lord One Thousand Seven Hundred and Thirty-five, shall come out of the City of *Philadelphia*, or any Township, into another Township within this Province, or shall come out of any Township in this Province, into the City of *Philadelphia*, there to inhabit and reside, shall at the same Time procure, bring and deliver, unto the Overseers of the Poor of the City or Township where he or she shall come to inhabit, a Certificate, under the Hands and Seals of the Overseers of the Poor of the City or Township from whence he, she or they removed, to be attested by two or more credible Witnesses, thereby acknowledging the Person or Persons, mentioned in the said Certificate, to be an Inhabitant or Inhabitants legally settled in that City or Township; every such Certificate, having been allowed of and subscribed by two or more Justices of the Peace of the City or County where such Township doth lie, shall oblige the said City or Township to receive and provide for the Person mentioned in the said Certificate, together with his or her Family, as Inhabitants of that Place, whenever he, she or they, shall happen to become chargeable to, or be forced to ask Relief of, the City or Township to which such Certificate was given, or into which he, she or they were received, by Virtue of the said Certificate, and then and not before, it shall and may be lawful for any such Person, and his or her Children, though born in the City or Township, and his or her Servants and Apprentices, not having otherwise acquired a legal Settlement there, to be removed, conveyed and settled, in the City or Township from whence such Certificate was brought.

V. AND whereas it oftentimes happens that poor Persons come from the City of *Philadelphia* into some Township or Place within this Province, and from some Place or Township of this Province into the said City of *Philadelphia*, or into some other Township of this Province, and conceal themselves until they become sick or lame, and cannot be removed, and oftentimes die before they can be removed, by Reason whereof the Inhabitants of the City or Township where such poor Person or Persons fell sick or died are put to Charges, without any Means to relieve themselves from the Payment of the Monies, expended upon the Maintenance or Burying such poor Person or Persons, *Be it therefore further enacted by the Authority aforesaid*, That if any poor Person or Persons shall come out of the City of *Philadelphia* into any Township within this Province, or shall come out of any Township or Place within this Province into the City of *Philadelphia*, or any other Township within this Province, and shall happen to fall sick or die, before he or she have gained a legal Settlement in the City or Township to which he or she shall come, so that such Person or Persons cannot be removed, and if, upon Notice given by the Overseers of the Poor of the Place unto which such poor Person is come, or by one of them, to the Overseers of the Poor of the City, Township or Place, where such poor Person or Persons had last gained a legal Settlement, or to one of them, of the Name, Circumstances and Condition, of such poor Person or Persons, with Request that they or one of them may take Order for the

Poor Persons,
removed into
another
Township,
to take a
Certificate.

The Overseers of the Place of a poor Person's last Settlement shall take Care of him, when he is chargeable to another Township.

the Relief and Maintenance of such sick or lame Person during his or her Sick-
ness, and for his or being buried, in case he or she should die, and if such Over-
seer or Overseers shall neglect or refuse so to do, that then and in such Case it
shall be lawful for any two Justices of the Peace of the City or County where such
poor Person had last gained a legal Settlement, and they are hereby authorized and
required, upon Complaint made to them, to cause all such Sum and Sums of
Money, as shall be necessarily expended on the Maintenance of such poor Person
in his or her Sickness, or on his or her Burial, by Warrant, under their Hands
and Seals, to be directed to some Constable of their County, to be levied by Dis-
tress and Sale of the Goods and Chattels of the said Overseer or Overseers of the
Poor, so neglecting or refusing to take Care and provide for any such poor Person
as aforesaid, after such Notice given to them, or to one of them, as aforesaid, and
to be paid to the Overseer or Overseers of the City or Township where such poor
Person happened to be sick or die as aforesaid, and the Overplus of the Monies
arising by Sale of such Goods remaining in the Constable's Hands, after the Sum
of Money ordered to be paid, together with the Costs of Distress, &c. are satis-
fied, shall be restored to the Owner or Owners of the said Goods.

VI. AND whereas, by an Act of Assembly of this Province, intituled, *An
Act for the Relief of the Poor*, it is provided, that it shall and may be lawful to
and for the Overseer or Overseers of the Poor to make and lay a Rate of *One Penny
per Pound*, clear Value of the real and personal Estates of all and every the Free-
holders and Inhabitants within their respective Townships, to be employed for the
Relief of the Poor, &c. and *Four Shillings per Head* on all Freemen, not otherwise
rated; but it being found upon Experience that the Number of the Poor within
this Province are very much increased, and the Overseers of the Poor of this City
of *Philadelphia*, and the respective Townships within this Province, have been
obliged to lay several Rates of *One Penny per Pound* in one Year, for Maintenance
of the Poor within the City of *Philadelphia*, and the respective Townships within
this Province, which has proved very troublesome, as well to the Persons on whom
the said Monies are raised, as to the Persons who are obliged to collect the same:
For the Remedying of which Inconveniency for the future, *Be it enacted by the
Authority aforesaid*, That it shall and may be lawful to and for the Overseers of
the Poor of the City of *Philadelphia*, for the said City, having first obtained the
Approbation of the Mayor or Recorder, with any two of the Aldermen of the
said City, and for the Overseers of the Poor of the several Townships within this
Province, having first obtained the Approbation of any two Magistrates living
next to the Township where any Poors Tax shall be raised, to make or lay any
Rate, not exceeding *Three-pence in the Pound* at one Time, upon all the Estates
liable to be rated, and in the Manner directed to be raised and levied by the afore-
said Act of Assembly for the Relief of the Poor, and not exceeding *Nine Shillings
per Head* on all Freemen, not otherwise rated, any Thing in the aforesaid Act of
Assembly, or any other Law, Custom or Usage, of this Province to the contrary
in any wise notwithstanding.

VII. AND for the more easy Discovery, certain Knowledge, and well Ma-
nagement of the Affairs of the Poor within this Province, and of what Monies
are raised for the Use of the Poor, and to what Uses applied, *Be it further enacted
by the Authority aforesaid*, That all and every Overseer and Overseers of the Poor
of any City or Township within this Province shall, at their laying any Rate for
the Relief of the Poor of their respective Cities or Townships, and they are hereby
obliged to deliver to one of the Justices of the Peace, who allows such Rate, a fair
Duplicate of the same, signed by such Overseer or Overseers, and shall likewise
deliver to the respective Overseer or Overseers, who shall succeed them, fair and
true Lists of the Poor of their respective City or Townships, with such Certificates
and Notices as shall be delivered or given to them, upon the coming of any Person
from the City of *Philadelphia* into any Township of this Province, or of the com-
ing of any Person from any such Township into the City of *Philadelphia*, or into
any other Township within this Province, as by this Act is provided and directed;
for which Trouble the Justices are hereby required to make such Allowance to the
respective Overseer or Overseers of the Poor, within this Province, at their going
out of their Office, as to them shall seem reasonable, for their making such Du-
plicates of the Rates by them laid, and for the Charge and Trouble they may be

11 GEO. III.
Cap. 18.
Sect. 4.
The Over-
seers may lay
a Rate of
*Three-pence
in the Pound,*
and *Nine
Shillings per
Head.*

Overseers to
deliver to a
Justice a
Duplicate of
the Rates
laid, and a
List of the
Poor, to their
Successors,
&c.

at in making fair Lifts of their Poor, and of the Notices and Certificates herein directed to be delivered to their Successors, of which said Notices and Certificates a Register or Entry shall be made, by the respective Overseers of the Poor to whose Hands the same shall come, in a Book for that Purpose to be by them provided and kept; which Book shall likewise be delivered by the Overseers aforesaid to their respective Successors in the said Office.

VIII. AND whereas Complaints have been made against Overseers of the Poor, who have supplied the Poor with Necessaries out of their own Stores and Shops at exorbitant Prices, and also against Overseers, who have paid unreasonable Accounts to their Friends or Dependants, for Services done the Poor: And whereas the Twenty-fifth Day of *March*, appointed by the aforesaid Act for the Relief of the Poor, is found by Experience not to be a sufficient Time for examining and settling the Accounts of the several Overseers, and for regulating and redressing the Abuses that may be complained of; *Be it therefore enacted by the Authority aforesaid*, That the Magistrates of the respective Counties, or any three of them, Overseers Accounts to be examined and allowed, by the Magistrates, &c. within this Province, for the said Counties, shall and may, on the Twenty-fifth Day of *March*, and within three Days next after the said Day, and the Mayor or Recorder, with any two Aldermen of the City of *Philadelphia*, for the said City, shall and may, on the said Twenty-fifth Day of *March*, and at any Time within one Month after the said Day, annually, examine and settle the said Overseers Accounts; and shall have full Power to allow such Accounts and Sums only, as to them shall seem just and reasonable.

IX. AND whereas the Alms-house built for the City of *Philadelphia* may, if well regulated, be of Service, and help to ease the Inhabitants of the Taxes yearly assessed on them for the Maintenance of the Poor; *Be it enacted by the Authority aforesaid*, That the Mayor and Recorder, with any two or more Aldermen of the said City of *Philadelphia*, shall from Time to Time have Power and Authority to choose and appoint a sober and discreet Person to reside in the said Alms-house, for taking Care of the Poor therein, and, where it may be needful, to direct the receiving into the said Alms-house such Poor, and to employ such Persons in the Service of the said House, and Care of the Poor, and generally to give such Orders and Instructions for the well-ordering of the said House, and the Poor of the said City, as to the said Mayor and Recorder, with any two or more Aldermen of the said City, shall seem just and reasonable, and to enjoin Obedience to the same. Alms-house of Philadelphia, who are to have the Government of it.

X. AND whereas the Overseers of the Poor of the City of *Philadelphia*, and the respective Townships within this Province, at going out of their Office, not only frequently neglect or refuse to deliver to the Justices, a fair and true Account of the Monies by them received for the Use of the Poor, but likewise leave considerable Sums of Money, by them assessed for the Maintenance of the Poor, uncollected, by which Means it comes to pass that the Monies remaining uncollected are lost, and the Burthen of maintaining the Poor falls heavy on such as have paid their Money: For remedying of which Inconveniency for the future, *Be it enacted by the Authority aforesaid*, That all and every the Overseer and Overseers of the Poor of the City of *Philadelphia*, and the respective Townships within this Province shall, at their going out of their Office, render a fair and true Account to the Magistrates of the City of *Philadelphia*, for the said City, and to the Justices of the respective Counties in which they live, of all the Monies assessed by them, or that hath otherwise come to their Hands, and how the same hath been disposed of, and also what Part shall be remaining in their Hands, and to pay the same to the succeeding Overseer or Overseers: And if any Overseer or Overseers of any Poor within this Province shall refuse or neglect to render such Account to the Justices as aforesaid, and to pay what shall be remaining in their Hands, according to the Direction of the respective Magistrates, who shall have the Right of examining their Accounts, it shall and may be lawful to and for the said Justices, or any three of them, to commit such Overseer or Overseers to the County Goal, without Bail or Main-prize, until such Overseer or Overseers shall render a true and fair Account, and pay such Monies as shall appear to be remaining in his or their Hands, to the succeeding Overseer or Overseers of the Poor of the said City or Township, to which they respectively belong. Overseers to render a fair Account, at going out of their Office.

Penalty, if they neglect or refuse to collect and pay what is assessed.

XI. AND if any Overseer or Overseers of the Poor of the City of *Philadelphia*, or of any Township within this Province, hath or have neglected or refused, or shall neglect or refuse, to collect and pay to the succeeding Overseers, all such Sums of Money as are or shall be remaining in their Hands, or uncollected at their going out of his or their Office, which they are hereby enabled to collect, by Warrant under the Hands and Seals of any two Magistrates within the said City or Counties, within the Space of Thirty Days after Notice, and Request made to them so to do, by any Justice of the Peace, and being duly convicted thereof before any three Justices of the City or County to which they belong, it shall and may be lawful to and for the Mayor or Recorder, and any two of the Aldermen of the said City, and for any three Justices of the Peace of the County, in which such Delinquent Overseer or Overseers dwell, by Warrant under their Hands and Seals, to commit such Delinquent Overseer or Overseers to the Goal of the County to which they belong, there to remain, without Bail or Main-prize, until the same shall be paid.

Fines and Forfeitures, how to be recovered, &c.

XII. AND to the End that the Poor may not suffer, for Want of proper Persons to take due Care of them in their Sickness or Necessities, *Be it enacted by the Authority aforesaid*, That in case of the Death or Want of any Overseer of the Poor of the City of *Philadelphia*, or of any Township within this Province, it shall and may be lawful to and for the Mayor, Recorder, and any two Aldermen, or the Mayor or Recorder, with any two Aldermen of the City of *Philadelphia*, for the City of *Philadelphia*, and any two Justices of the Peace of the County in which such Township lies, to appoint one or more Overseers of the Poor for the said City or Township, as the Case may require, at any Time when there shall be Occasion; which Overseer or Overseers, when so appointed, shall be subject to the same Rules and Penalties, and obliged to the Performance of the same Duties and Services, as if he or they had been appointed at the Time in the first recited Act of Assembly mentioned, any Thing in the aforesaid Act, or any other Law of this Province, to the contrary in any wise notwithstanding.

Overseers how to be appointed in case of Death, &c.

XIII. *AND be it further enacted by the Authority aforesaid*, That the several Fines, Forfeitures and Penalties, Sum and Sums of Money, imposed or directed to be paid by this Act, and not herein otherwise directed to be recovered, the same and every of them shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Delinquent or Offender, by Warrant under the Hands and Seals of the Mayor and Recorder, or of the Mayor or Recorder, and one or more Aldermen of the City of *Philadelphia*, for the said City, and under the Hands and Seals of any two or more Justices of the Peace of the County, where the Delinquent or Offender dwells, or is to be found; and after Payment or Satisfaction made of the respective Forfeitures, Fines, Penalties and Sums of Money, directed to be levied by such Warrant as aforesaid, together with such legal Charges as shall become due in the Recovery thereof, the Overplus, if any, to be returned to the Owner or Owners of such Goods or Chattels, his or her Executors or Administrators.

Except.

XIV. *PROVIDED always*, That if any Person or Persons shall find him or themselves aggrieved with any Judgment of the Justices, given out of their Sessions, in Pursuance of this Act, such Person or Persons may appeal to the next General Quarter Sessions of the Peace for the County or City, where such Judgment or Sentence was given, whose Decision in all such Cases shall be conclusive.

Passed March 29, 1735.—Recorded A, Vol. III. p. 29.

C A P. II.

An ACT for confirming the Election of the Commissioners and Assessors for the County of *Bucks*.

Passed March 29, 1735.—Recorded A, Vol. III. p. 38.—Obsolete.

C A P. III.

An ACT to prevent the Damages, which may happen, by Firing of Woods.

WHEREAS by an Act of the General Assembly of this Province, passed in the Twelfth Year of the Reign of King WILLIAM the Third, it is enacted, That whosoever shall presume to set on Fire any Woods, Lands or Marshes, in this Province or Territories, before the first Day of the First Month yearly, or after the first Day of the Third Month, shall make good all Damages that shall thereby happen to any the Inhabitants thereof: And whereas it hath on Experience been found, that the setting the Woods on Fire at any Time hath proved rather hurtful than beneficial to this Province, and great Losses have happened by Occasion of such Fires: For Prevention thereof, **BE IT ENACTED** by PATRICK GORDON, Esq; Lieutenant-Governor, with the King's Royal Approbation, under the Honourable JOHN PENN, THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent* and *Sussex*, on *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Act of Assembly herein before recited, and every Clause and Article therein, be and is hereby repealed, to all Intents, Constructions and Purposes whatsoever.

II. *AND be it further enacted by the Authority aforesaid*, That whosoever shall presume at any Time or Times hereafter to set on Fire, or cause to be set on Fire any Woods, Lands or Marshes whatsoever, within this Province, so as thereby to occasion any Loss, Damage or Injury, to any other Person or Persons, every such Person or Persons so offending shall be, and are hereby declared liable to make Satisfaction for the same, in any Action or Actions on the Case, to be brought by the Party or Parties grieved, in the Court of Common Pleas in the County where the Offence was committed.

Remedy against Persons setting Fire to Woods;

in the Common Pleas;

III. *PROVIDED always, and be it further enacted by the Authority aforesaid*, That where the Party injured shall not demand above *Forty Shillings* for his Loss or Damage, it shall and may be lawful to and for such Person or Persons to apply to any Justice of the Peace of the County where the Offence is committed, who is hereby empowered and required, by Warrant under his Hand and Seal, to cause the Party offending to be brought before him, or some other Justice of the Peace of the same County, and if, upon Examination, it shall appear to such Justice, by the Testimony of one or more credible Witnesses, that the Defendant is guilty of the Charge exhibited against him, then the said Justice shall issue forth his Warrant to two or more substantial Freeholders of the Neighbourhood, thereby commanding them, in the Presence of the Defendant, if he will be present, to view the Place or Thing damnified, or enquire into the Loss sustained by the Plaintiff, and to certify to the said Justice, upon their Oath or Affirmation, what Damage in their Judgment the Plaintiff hath sustained by Occasion of the Premises; and that upon Return of such Certificate to the said Justice, he is hereby empowered to grant Execution for the Recovery of the said Damages, together with such Costs of Prosecution, as is usual in the Recovery of Debts under *Forty Shillings*.

before a Justice of the Peace.

IV. *PROVIDED also*, That no Costs of Suit shall be paid to any Plaintiff, in any Suit to be brought for any Matter or Thing in this Act mentioned, if the Jury, who shall try the Cause, do not assess above *Forty Shillings* Damages, any Law, Custom or Usage to the contrary, in any wise notwithstanding.

No Costs allowed, unless Damages above *Forty Shillings*.

V. *PROVIDED also*, That where any Offence shall be committed against the Tenor of this Act by any Servant, *Negro* or Slave, without the Direction of his, her or their Master or Mistress respectively, and such Offender be thereof duly convicted, by the Oath or Affirmation of one credible Witness, before any Justice of the Peace of the respective Counties, such Offender or Offenders, unless his or her Master or Mistress will pay the Damages sustained, with Costs of Suit, shall be whipped with any Number of Stripes, not exceeding Twenty-one, on his or her bare Back, at the Discretion of the Justice, before whom the Party shall

Servants and Slaves how punished.

be

be convicted, and further, shall be committed to the Work-House of the County where the Offence is committed, there to remain until the Costs of Prosecution shall be paid.

Passed *March* 29, 1735.—Recorded A, Vol. III. p. 41.

C A P. IV.

An ACT for the better enabling divers Inhabitants of the Province of *Pennsylvania* to hold Lands, and to invest them with the Privileges of natural-born Subjects of the said Province.

Passed *March* 29, 1735.—Recorded A, Vol. III. p. 43.

C A P. V.

An ACT for the more effectual vesting and settling certain Lands in *George M^cCall*, pursuant to the Covenants and Agreements of all the Parties having any Interest in the same.

Passed *June* 24, 1735.—Recorded A, Vol. II. p. 428.—Confirmed by the King in Council.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1735, in the Ninth Year of GEORGE II. and continued by Adjournments to the Fourteenth Day of *August* following.

C A P. I.

An ACT for the more speedy and easy Recovery of small Debts.

Passed *February* 21, 1735-36.—Recorded A, Vol. III. p. 45.—Expired.

C A P. II.

A SUPPLEMENT to the Laws for laying out of Highways and Public Roads.

Preamble.

WHEREAS by a Law of this Province, enabling the Justices in each County to lay out and confirm all Roads, except the King's Highways and Public Roads, it is provided, that all Roads within this Province, laid out by the Directions of the said Act, shall be public Highways, and shall be cleared and maintained at the Charge, or by the Inhabitants, of the Township in which the said Road lies, and that if any Part of such Road, although the same be laid out for the Conveniency of one or but few Persons, shall happen to be laid out through the improved Ground of any Person, the said improved Ground is to be valued as by the said Act is directed, and paid for out of the County Stock; which Parts of the said Law have, since the great Increase of our Inhabitants, been found to be very inconvenient and burthensome, as well to the Public as to private Persons: For remedying of which Inconveniency, BE IT ENACTED by PATRICK GORDON, Esq; with the King's Royal Approbation, Lieutenant-Governor, under the Honourable JOHN PENN, THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent* and *Sussex*, on *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That upon the Application of any Person or Persons to the Justices of the General Quarter Sessions of the Peace, for a Road to be laid out from or to the Plantation or Dwelling-Place of any Person or Persons, to or from the Highway, the said Justices shall, and they are hereby impowered to order and direct a View of the Place,

Place, where the Road is requested to be laid, and Return thereof to be made in the same Manner, as by the before-mentioned Act of Assembly is directed and appointed; and if a Road shall be found necessary, the said Justices shall further order and appoint of what Breadth the said Road shall be, so as the same exceed not Thirty-three Feet.

Breadth of
private
Roads.

II. *AND* be it further enacted by the Authority aforesaid, That any Road or Cart-way laid out in Pursuance of this Act, not exceeding Thirty-three Feet in Breadth, being first paid for by the Person or Persons herein-after directed to pay for the same, shall then be recorded, and from thence forward shall be allowed to be a common Road or Cart-way, as well for the Use and Conveniency of the Person or Persons at whose Request the same was laid out, as for the Use and Conveniency of all such as shall have Occasion to travel to and from the Plantations or Dwellings of such Persons, upon whose Application the same Road was laid out, and shall be cleared and maintained by the Persons using the same to and from their respective Dwellings; and if any such Person or Persons, being summoned by the Overseers of the Highways to assist in clearing or maintaining any such Cart-way or Road, shall refuse or neglect to attend and give his Assistance in doing the same, he shall be subject to the like Penalties, to be recovered in the like Manner, as in and by an Act of Assembly of this Province, intituled, *An Act for erecting of Bridges, and maintaining Highways*, is provided and directed, in case of the Non-attendance of any Person, summoned to work in repairing of Highways. And if it shall happen that the said Road shall be laid out through any Man's improved Ground, then the same shall be valued as in the aforesaid Act of Assembly is directed, and the Value thereof shall be paid to the Owner or Owners of the Land, by the Person or Persons at whose Request and for whose Use the same was laid out, and by those who shall use the same as a common Road to and from their own Dwellings.

To be paid
for by the
Petitioners,
and repaired
by the Per-
sons using
the same.

III. *AND* if the Owner or Owners of such Lands through which any such Cart-way shall be laid out, or if the Owner or Owners of Lands through which any Cart-way or Road has been already laid out, in Pursuance of the before-mentioned Act of Assembly, the same Road being only for the Use of a few Families, shall be desirous to hang swinging Gates upon such Roads, it shall and may be lawful for the Justices aforesaid to appoint Persons, in the Manner directed for laying out Roads in the aforesaid Act of Assembly, to enquire whether such Gate or Gates may, without much Inconveniency to the Persons using the said Road, be hung upon the same. And if the Persons appointed to view the Place shall certify to the Justices aforesaid, that a Gate or Gates may be hung according to the Prayer of the Party, without much Inconveniency to the Person or Persons using the same, the Justices shall in such Case order and appoint that such Gate or Gates may be hung accordingly, and that the same shall be made and kept in good Repair by the Owner of the said Land, and made easy for the Passage of the Persons using the said Road; the aforesaid Act of Assembly or any other Law of this Province to the contrary in any wise notwithstanding.

Swing Gates
may be hung
on such
Roads, with
the Content
of the
Justices.

Passed February 20, 1735-36.—Recorded A, Vol. III. p. 49.

C A P. III.

An ACT for vesting the State-House, and other public Buildings, with the Lots of Land whereon the same are erected, in Trustees, for the Use of this Province.

WHEREAS by the Directions of the Representatives of the Freemen of the Province aforesaid, *Andrew Hamilton* and *William Allen*, Esquires, made Purchases of divers Lots of Land, situate and being on the South Side of *Chestnut-street*, in the City of *Philadelphia*, lying contiguous to each other, and bounded as followeth, *viz.* Beginning at a Corner, on the East Side of the *Sixth-street* from *Delaware*, and on the South Side of *Chestnut-street*, and extending thence by the said *Chestnut-street*, South Seventy-five Degrees East, Three Hundred and Ninety-six Feet to a Corner, on the West Side of the *Fifth-street* from *Delaware*; thence by the same, South Fifteen Degrees West, Three Hundred and Thirty-seven Feet; thence by other Ground, North Seventy-five Degrees West, One Hundred Forty-eight Feet and an Half to a Line of a Lot of Ground, reputed to be vacant; thence

Boundaries
of the State-
House Lot.

by the same, these three several Courses and Distances next following, *viz.* North Fifteen Degrees East, Eighty-two Feet; thence North Seventy-five Degrees West, Ninety-nine Feet; thence South Fifteen Degrees West, Eighty-two Feet; thence by other Ground North Seventy-five Degrees West, One Hundred Forty-eight Feet and an Half to the East-side of the *Sixth-street* aforesaid; thence by the same North Fifteen Degrees East, Three Hundred and Thirty-seven Feet to the Place of Beginning. And whereas since those Purchases made, a State-House and other Buildings have been erected on the Ground aforesaid, at the Charge of the Province, but the Estate and Inheritance therein yet remain in the same *Andrew Hamilton* and *William Allen*: Now to the Intent that the said State-House, Buildings and Ground aforesaid, may be effectually secured to the Use of this Province, it is thought necessary the Estate in the Premises should be vested in Trustees, for the Uses, Intents and Purposes, herein after specified; to which End, BE IT ENACTED by PATRICK GORDON, Esq; Lieutenant-Governor, with the King's Royal Approbation, under the Honourable JOHN PENN, THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent* and *Sussex*, on *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the aforesaid *Andrew Hamilton* and *William Allen*, as soon as conveniently may be after the Publication of this Act, shall, and they are hereby required, by some good and sufficient Deed or Deeds, Assurance or Assurances in the Law, to grant, bargain, sell, enfeoff and convey, unto *John Kinsey*, of the City of *Philadelphia*, *Joseph Kirkbride*, jun. of the County of *Bucks*, *Caleb Cowpland*, of the County of *Chester*, and *Thomas Edwards*, of the County of *Lancaster*, Esquires, the Lands, Tenements and Hereditaments aforesaid, and all and singular the Appurtenances thereunto belonging, or in any wise appertaining; to have and to hold to them the said *John Kinsey*, *Joseph Kirkbride*, jun. *Caleb Cowpland*, and *Thomas Edwards*, and the Survivors and Survivor of them, and to the Heirs of the Survivor of them for ever; yet nevertheless to the Uses, Intents and Purposes herein after specified, and to no other Use, Intent or Purpose whatsoever; that is to say, to and for the Use of the Representatives of the Freemen aforesaid, which now are, and from Time to Time hereafter shall be, duly elected by the Freemen aforesaid; and to and for such other Uses, Intents and Purposes, as they the said Representatives, at any Time or Times hereafter, in General Assembly met, shall direct and appoint.

To be vested
in Trustees.

For whose
Use.

The Ground
Southward of
the State-
House not to
be built on.

Suits to be
brought in
the Names of
the Trustees,
&c.

II. *PROVIDED* always, and it is hereby declared to be the true Intent and Meaning of these Presents, that no Part of the said Ground, lying to the Southward of the State-House as it is now built, be converted into or made use of for erecting any Sort of Buildings thereupon, but that the said Ground shall be inclosed, and remain a public open Green and Walks for ever.

III. AND on this further Trust and Confidence, and to this further Intent and Purpose, that they the said *John Kinsey*, *Joseph Kirkbride*, jun. *Caleb Cowpland*, *Thomas Edwards*, and the Survivors and Survivor of them, and the Heirs of such Survivor, shall, from Time to Time, and at all Times hereafter, permit and suffer such Suit or Suits, Action or Actions, to be commenced and prosecuted in his or their Name or Names, and to make such Conveyance or Conveyances of the Lands, Tenements and Hereditaments, or any Part or Parcel thereof, to the Uses aforesaid, as the Representatives aforesaid, in General Assembly met, shall at any Time or Times hereafter direct and appoint: So always that they the said *John Kinsey*, *Joseph Kirkbride*, jun. *Caleb Cowpland*, and *Thomas Edwards*, and their Heirs, Executors and Administrators, and every of them, be well and truly indemnified, saved and kept harmless, of and from any Costs, Charges, Troubles or Molestations whatsoever, which may arise or happen for or by Reason of such Suit or Suits, Conveyance or Conveyances, so to be commenced, prosecuted, made and executed.

Passed February 20, 1735-36.—Recorded A, Vol. III. p. 51.

C A P. IV.

An ACT for regulating Retailers of Liquors near the Iron-Works.

Passed February 20, 1735-36.—Recorded A, Vol. III. p. 53 —Expired.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1737, in the Eleventh Year of GEORGE II. and continued by Adjournments to the Second Day of *September* following.

C A P. I.

An ACT to remove the Trustees of the General Loan Office of *Pennsylvania*, and appointing others to execute the said Trust.

Passed August 25, 1738.—Recorded A, Vol. III. p. 55.—Obsolete.

C A P. II.

An ACT for laying an Excise on Wine, Rum, Brandy and other Spirits.

Passed August 25, 1738.—Recorded A, Vol. III. p. 59.—Expired.

C A P. III.

A SUPPLEMENT to the Act, intituled, *An Act for imposing a Duty on Persons convicted of heinous Crimes, and to prevent poor and impotent Persons being imported into this Province.*

WHEREAS by an Act of the General Assembly of this Province, passed in Preamble the Third Year of the Reign of our Sovereign GEORGE the Second, intituled, *An Act for imposing a Duty on Persons convicted of heinous Crimes, and to prevent poor and impotent Persons being imported into this Province*, Charles Read, late of *Philadelphia*, Merchant, was appointed Collector of the Duties by the said Act imposed, who is since deceased. And forasmuch as the Circumstances of the Province require the said Act should be put in Execution, and no Provision being therein made for appointing another Officer instead of the said *Charles Read*: Therefore, for remedying that Defect, BE IT ENACTED by the Honourable GEORGE THOMAS, Esq; Lieutenant-Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, That *Thomas Glentworth*, of *Philadelphia*, be, and he is hereby nominated and declared to be, Collector of the Duties imposed by the before-mentioned Act; and for the doing and performing all others Matters and Things appertaining to the said Office, by Virtue of the said Act, as fully, amply and largely, to all Intents and Purposes, as the said *Charles Read*, in his Life-time, was impowered to do, or could or might have done; and as fully as if the said *Thomas Glentworth* had been expressly named and appointed Collector of the Duties aforesaid in the Body of the said Act; he the said *Thomas Glentworth*, before the entering upon the Execution of his Office, first taking an Oath or Affirmation, before one of the Justices of the Peace of the County aforesaid (which the said Justice, on Application to him made by the said *Thomas Glentworth*, is hereby authorized and enjoined to administer) for the faithful and impartial Discharge of the Trust by Virtue of this Act committed to him, according to the best of his Skill and Knowledge.

II. AND be it further enacted, That if the aforesaid *Thomas Glentworth* shall, by any Accident, be rendered incapable, or neglect to execute the said Office, or shall misbehave himself therein, or shall happen to die, that then, and so often, it shall and may be lawful to and for the Mayor, Recorder and Aldermen, of the City of *Philadelphia*, or the Majority of them, to supply his or their Place, by some other fit and capable Person, who shall thereupon be the Officer for putting the Act aforesaid in Execution, until the Assembly shall appoint another.

In case of Death, &c. how another shall be appointed.

Qualification
of the Offi-
cer.

III. *PROVIDED* always, That before the said Officers, or either of them, shall do any Thing in Execution of their said Office, they shall each of them respectively take an Oath or Affirmation in Manner aforesaid, faithfully and impartially to perform the Duty and Trust committed to them, to the best of their Skill and Capacity, according to the Direction of the Act aforesaid.

Passed September 2, 1738.—Recorded A, Vol. III. p. 67.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1738, in the Twelfth Year of GEORGE II. and continued by Adjournments to the Nineteenth Day of *May* following.

C A P. I.

An ACT for the more effectual preserving the Credit of our Paper Money, and recovering the Proprietary Quit-rents.

Passed May 19, 1739.—Recorded A, Vol. III. p. 69.—Expired.

C A P. II.

An ACT for the better enabling divers Inhabitants of the Province of *Pennsylvania*, to trade and hold Lands within the said Province.

Passed May 19, 1739.—Recorded A, Vol. III. p. 72.

C A P. III.

A SUPPLEMENT to the Act for electing Members of Assembly, &c.

Passed May 19, 1739.—Recorded A, Vol. III. p. 76.—Amended and supplied by 19 GEORGE II.

C A P. IV.

A SUPPLEMENT to an Act of Assembly of this Province, intituled, *An Act prescribing the Forms of Declarations of Fidelity, Abjuration and Affirmation, instead of the Forms heretofore required in such Cases.*

Passed May 19, 1739.—Recorded A, Vol. III. p. 81.—Repealed by the King in Council.

C A P. V.

An ACT for the more easy and speedy Recovery of small Debts.

Passed May 19, 1739.—Recorded A, Vol. III. p. 84.—Expired and Supplied.

C A P. VI.

An ACT for reprinting, exchanging and re-emitting, all the Bills of Credit of this Province, and for striking the further Sum of *Eleven Thousand One Hundred and Ten Pounds Five Shillings*, to be emitted upon Loan.

Passed May 19, 1739.—Recorded A, Vol. III. p. 89.—Expired.

At the COURT at *St. James's*, the Twelfth Day of *May*, 1740.

P R E S E N T.

The KING's most Excellent MAJESTY,

Archbishop of CANTERBURY, &c. &c. &c.

WHEREAS in Pursuance of the Powers granted to the Proprietaries of the Province of *Pennsylvania*, by Letters Patent, under the Great Seal, the Deputy Governor, Council and Assembly, of the said Province did, in *May*, 1739, pass an Act, which hath been transmitted, intituled as follows, *viz.*

A Supplement to an Act of Assembly of this Province, intituled, An Act, prescribing the Forms of Declaration of Fidelity, Abjuration and Affirmation, instead of the Forms heretofore required in such Cases.

His Majesty this Day took the said Act into his Royal Consideration; and having received the Opinion of the Lords Commissioners for Trade and Plantations, the Attorney and Solicitor General, and also of a Committee of the Lords of his Majesty's most Honourable Privy Council, thereupon, is hereby pleased to declare his Disallowance of the said Act; and, pursuant to his Majesty's Royal Pleasure thereupon, the said Act is hereby repealed, declared void, and of none Effect. Whereof the Deputy Governor, Council and Assembly, of the said Province, and all others whom it may concern, are to take Notice, and govern themselves accordingly.

W. S H A R P E.

At the COURT at *St. James's*, the Twelfth Day of *May*, 1740.

P R E S E N T:

The KING's most Excellent MAJESTY,

Archbishop of CANTERBURY, &c. &c. &c.

WHEREAS in Pursuance of the Powers granted to the Proprietaries of the Province of *Pennsylvania*, by Letters Patent, under the Great Seal, the Deputy Governor, Council and Assembly, of the said Province did, in *May* 1739, pass five Acts, which have been transmitted, and are intituled as follow, viz.

An Act for the more easy and speedy Recovery of small Debts.

A Supplement to the Act for electing Members of Assembly, &c.

An Act for the more effectual preserving the Credit of our Paper Money, and recovering the Proprietaries Quit-rent.

An Act for re-printing, exchanging and re-emitting, all the Bills of Credit of this Province, and for striking the further Sum of Eleven Thousand One Hundred and Ten Pounds Five Shillings, to be emitted upon Loan.

An Act for the better enabling divers Inhabitants of the Province of Pennsylvania to trade, and hold Lands within the said Province.

His Majesty this Day took the said Acts into his Royal Consideration; and having received the Opinion of the Lords Commissioners for Trade and Plantations, and also of a Committee of the Lords of his Majesty's most Honourable Privy Council, thereupon, is hereby pleased to declare his Approbation of the said Acts; and, pursuant to his Majesty's Royal Pleasure thereupon expressed, the said Acts are hereby confirmed, finally enacted, and ratified accordingly. Whereof the Deputy Governor, Council and Assembly, of the said Province, and all others whom it may concern, are to take Notice, and govern themselves accordingly.

W. S H A R P E.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1742, in the Sixteenth Year of GEORGE II. and continued by Adjournments to the Third Day of *February* following.

C A P. I.

An ACT imposing a Duty on Persons, convicted of heinous Crimes, brought into this Province, and not warranted by the Laws of *Great-Britain*; and to prevent poor and impotent Persons being imported into the same.

Passed *February* 3, 1742-43.—Recorded A, Vol. III. p. 100.—Repealed in Council.

C A P. II.

An ACT for the more easy and speedy Recovery of small Debts.

Passed *February* 3, 1742-43.—Recorded A, Vol. III. p. 108.—Expired and Supplied.

C A P. III.

An ACT for continuing and amending the Act of Assembly, intituled, *A SUPPLEMENT to the Act for electing Members of Assembly, &c.*

Passed *February* 3, 1742-43.—Recorded A, Vol. III. p. 113.—Supplied by 19 GEO. II.

C A P. IV.

An ACT for vesting the *Province-Island*, and the Buildings thereon erected, and to be erected, in Trustees, for providing an Hospital for such sick Passengers as shall be imported into this Province, and to prevent the spreading of infectious Distempers.

Preamble.

WHEREAS by an Act of General Assembly of this Province, made in the Twelfth Year of the Reign of King WILLIAM the Third, intituled, *An Act to prevent sickly Vessels coming into this Government*, it is among other Things enacted, That from and after the Publication thereof no unhealthy or sickly Vessel, coming from any unhealthy or sickly Place whatsoever, shall come nearer than one Mile to any of the Towns or Ports of this Province or Territories, without Bills of Health, nor shall presume to bring to Shore such Vessels, nor to land such Passengers, or their Goods, at any the said Ports or Places, without first obtaining Licence for the same, in such Manner as by the said Act is directed; but no Place, until of late, having been provided for the Reception of sick and distempered Passengers, they have been heretofore clandestinely landed, and lodged within the City of *Philadelphia* and elsewhere, by Means whereof infectious Distempers have spread within the Province, and the good Ends intended by the said Act in great Measure frustrated: For remedying whereof, and making Provision for the Reception of sick Passengers, imported into this Province, by Directions from the Representatives of the Freemen of the Province, a Purchase was made of all that Island, situate on the Southerly Side of the Mouth of *Schuylkill* River, in the County of *Philadelphia*, adjoining on *Delaware* River, heretofore known by the Name of *Fisher's Island*, but hereafter to be called *Province-Island*, containing about Three Hundred Forty-two Acres of Land and Meadow, with certain Buildings thereon erected, and a Conveyance thereof taken from *Jonathan Paschal* and *Mary* his Wife, late *Mary Fisher*, *John Paschal*, and *Henry Hodge*, Executors of the Testament and last Will of *John Fisher*, late Proprietor and Owner of the said Island, who were duly authorized to make Sale thereof, unto *Joseph Harvey*, *Thomas Tatnal*, *Joseph Trotter*, *James Morris*, and *Oswald Peel*, Gentlemen: In Trust nevertheless, and subject to such Uses as the Representatives of

Trustees
Names.

of the Freemen of this Province, in Assembly, shall from Time to Time appoint; and under this further Trust and Confidence, that they the said Trustees, and the Survivors and Survivor of them, and the Heirs of such Survivor, should convey the said Island and Appurtenances, and transfer their said Trust to such other Person or Persons, and for such Estate and Estates, as the Representatives aforesaid, in Assembly, should direct and appoint. Now to the Intent that the said Island may be effectually secured to the Uses aforesaid, and that the Inconveniences which might happen from the Importation of sick Passengers within the Province may for the future be prevented, BE IT ENACTED by the Honourable GEORGE THOMAS, Esq; Lieutenant-Governor, with the Royal Approbation, under the Honourable JOHN PENN, THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, on *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the aforesaid *Joseph Harvey*, *Thomas Tatnal*, *Joseph Trotter*, *James Morris*, and *Oswald Peel*, and the Survivors and Survivor of them, do stand seized, and they are hereby declared and enacted to stand seized, of the *Province-Island* aforesaid, and the Edifices and Buildings thereon erected, and to be erected, with their and every of their Appurtenances, to hold the said Island, and all and singular the Premises to them, the said *Joseph Harvey*, *Thomas Tatnal*, *Joseph Trotter*, *James Morris*, and *Oswald Peel*, and the Survivors and Survivor of them, and the Heirs of such Survivor, for ever; in Trust nevertheless, and for the Uses, Intents and Purposes, herein after specified, and to and for no other Use, Intent or Purpose whatsoever; *That is to say*, That they the said Trustees, and the Survivors and Survivor of them, do undertake and continue their Care and Management of the said Island, with the Appurtenances, and receive the Rents, Issues and Profits thereof, and duly to account for the same, as herein after is directed, until such Time as the Representatives of the Freemen aforesaid, in Assembly, shall appoint others to succeed them in the said Trust: And on this further Trust and Confidence, that they the said Trustees, and the Survivors and Survivor of them, and the Heirs of such Survivor, do and shall permit and suffer such Person and Persons, so hereafter from Time to Time to be appointed to succeed them in the Trust aforesaid, to have the Care and Management of the said Island, and to receive and take the Rents, Issues and Profits thereof, to be accounted for and applied as herein after is directed.

Their Trust
declared.

II. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for the aforesaid *Joseph Harvey*, *Thomas Tatnal*, *Joseph Trotter*, *James Morris*, and *Oswald Peel*, or the greater Number of them, during the Continuance of their Trust, and to and for such other Person and Persons, as the Representatives of the Freemen aforesaid shall from Time to Time appoint, in the Stead and Place of the said Trustees before named, to grant, bargain and lease the Island aforesaid, or any Part thereof, for such Term and Terms of Years, not exceeding Seven, as to them shall seem expedient: So always as such Tenant or Tenants, to whom the same shall be so leased, be obliged to keep the said Buildings thereon erected, Banks, Dams, Fences, and other the demised Premises, in Repair, during the respective Terms for which the same shall be demised, and reserving always full Liberty to place and continue thereon, in the Manner herein after directed, any such sickly Persons imported into this Province, as Occasion shall require, in Pursuance of this Act: And also reserving and excepting Six Acres, Part of the said Island, adjoining to the River *Delaware*, most commodious for erecting a new Hospital or Pest-House.

Trustees im-
powered to
lease the
Island, &c.

Reserving
Six Acres for
a Pest-House.

III. *PROVIDED always*, That nothing herein contained shall affect, vacate or make void, the Contract made by the Trustees before named with *Jacob Mellor*, but that the said Contract and Lease of the said *Province-Island* shall be and remain as firm, valid and effectual, to all Intents, Constructions and Purposes, as if this Act had not been made.

This Act not
to affect a
prior Con-
tract.

IV. *AND be it further enacted by the Authority aforesaid*, That the Trustees of the said *Province-Island* herein before named, and such others as shall at any Time hereafter be appointed in their or any of their Steads, shall well and truly account with and pay to the Treasurer of this Province, for the Time being, all such

Trustees to
account, &c.

such

such Sum and Sums of Money, as they or any of them already have received, or at any Time hereafter shall receive, from the Island aforesaid; to be disposed of in such Manner and for such Uses, as the Representatives of the Freemen aforesaid, in Assembly, shall from Time to Time direct and appoint. And if it shall at any Time or Times happen that the said Trustees, or any of them, shall fail so to do, that then and so often, and in every such Case, it shall and may be lawful for the Treasurer aforesaid to commence, prosecute and maintain, an Action of Debt against such Delinquent or Delinquents, and to recover the Sum or Sums so to become due, in any Court of Record in the Province, with Costs of Suit.

Trustees shall suffer Suits to be commenced in their Names, when necessary.

V. *AND be it further enacted by the Authority aforesaid*, That when any Lease or Leases shall at any Time hereafter be made of the *Province-Island* aforesaid, or any Part or Parcel thereof, and the Rent reserved for the same, or any Part thereof, shall be in arrear and unpaid, that then and so often, and in every such Case, and in all other Cases wherein it shall be thought necessary, that they the before-named Trustees, and the Survivors and Survivor of them, and the Heirs, Executors and Administrators of such Survivor, shall permit and suffer all such Suit and Suits, Action or Actions, to be commenced and prosecuted in his, her or their Name or Names, as the Representatives aforesaid, in Assembly, shall at any Time or Times hereafter direct or appoint: So always that they the said Trustees, and every of them, and their Heirs, Executors and Administrators, and every of them, be well and truly indemnified, saved and kept harmless, of and from any Costs, Charges, Troubles or Molestations whatsoever, which may arise or happen for or by Reason of such Suit or Suits so to be commenced and prosecuted.

Governor, &c. may order imported infectious Persons to the *Province-Island*, &c.

VI. *AND be it further enacted by the Authority aforesaid*, That when and so often as Occasion shall require, it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the Time being, or to and for any two Justices of the Peace of any of the Counties within this Province respectively, to order and direct all sick and infectious Persons, at any Time hereafter imported into this Province, to be transported to the *Province-Island* aforesaid, there to remain in such Places as shall be provided for them by the Trustees aforesaid, until it shall be judged by the Physician attending them, that they are free from any infectious Distemper. Their Nursing, Physic, Maintenance and Necessaries, to be paid for by the Importer, Master or Owner of the Vessel, in which such sick and distempered Persons shall be imported; to be repaid to them out of the Effects of the said Passengers respectively, if any they have.

Their Nursing, &c. to be paid for by the Importer.

Upon Application of the Trustees, Importers of sick Persons shall be obliged to give Bond, &c.

VII. *AND for the better securing the Payment of the several Sums of Money, which shall become necessary to disburse in or about such sick and distempered Persons, as shall be imported as aforesaid*, *Be it further enacted by the Authority aforesaid*, That it shall and may be lawful for any one of the Justices of the Peace aforesaid, on the Application of any one of the said Trustees, and they are hereby enjoined, as Occasion shall require, to send for the Masters or Owners of the Vessels, in which such sick and distempered Persons shall, at any Time hereafter, be imported, or the Importer of such sick Person or Persons, and oblige him, them or some, or one of them, to give Bond, in a competent Sum of Money, together with one or more sufficient Sureties, to them the said Trustees, with Condition to be under-written, to find and provide proper Food, Nursing, Physic and other Necessaries, for the sick People aforesaid, or to pay for the same. And in case any Master or Importer shall refuse so to become bound, that then, and in every such Case, it shall and may be lawful for the said Justices respectively, to commit the Offender to Prison, there to remain in close Custody, without Bail or Main-prize, until he or they shall conform to the Directions of this Act.

And refusing, may be committed to Prison.

Trustees to keep fair Entries in a Book, of the Names, &c.

VIII. *AND be it enacted by the Authority aforesaid*, That the Trustees aforesaid shall keep, or cause to be kept, in a Book to be provided for that Purpose, a fair Entry of the Names of every sick Person, that shall be transported to the said Hospital or Pest-House, and also the Names of the Vessel, Master or Merchant, who shall import them into this Province.

None to be discharged from the Hospital, without a Certificate.

IX. *AND be it enacted by the Authority aforesaid*, That after any such distempered Person hath recovered his or her Health as aforesaid, they, or any of them, shall not be discharged from the Hospital or Pest-House, but by a Certificate under the Hands of two or more of the said Trustees, certifying, That the Bearer, mentioning his Name, having remained in the Hospital for his Health,

until

until they the said Trustees judged him clear of any infectious Distemper, they had discharged him from the said Hospital or Pest-House.

X. AND whereas the entertaining sick and distempered Persons brought into this Province has been attended with fatal Consequences, *Be it enacted by the Authority aforesaid*, That no Housekeeper, or other Inhabitant of this Province, shall receive into his or their Houses or Out-Houses, or entertain any Person or Persons whatsoever, knowingly, that have been ordered by the Governor for the Time being, or by any two Justices of the Peace of any of the Counties within the Province respectively, to be transported to the Hospital or Pest-House, pursuant to the Directions of this Act, unless such Person hath been discharged from the said Hospital or Pest-House, and hath received from the Trustees, or any two of them as aforesaid, a Certificate, certifying that the said Person or Persons is or are discharged from the said Hospital as aforesaid, on Penalty of paying the Sum of *Ten Pounds* for every Offence, and also of maintaining and providing for the said sick and distempered Person, during his, her or their Sickness; and in case of Death, burying them at their own Expence. Which said Sum of *Ten Pounds* is hereby ordered to be paid to the Overseers of the Poor of the Township where such Delinquent may reside, for the Relief of the Poor of such Township; and to be recovered by the said Overseers, of the Person so offending, by a Warrant from any Magistrate, in the same Manner as Debts under *Forty Shillings* are recovered. And in case the Person harbouring or entertaining such sick and distempered Person shall be poor, or alledge he or she is not of Ability to pay the said Fine of *Ten Pounds*, such indigent Person shall be confined to the Work-House or Prison, for any Time not exceeding one Month, as the Magistrate or Magistrates of the respective County may direct.

Penalty on entertaining Persons, who have been ordered to the Pest-House, &c.

Passed February 3, 1742-43.—Recorded A, Vol. III. p. 118.

C A P. V.

An ACT for the more easy Recovery of Legacies within this Province:

Passed February 3, 1742-43.—Recorded A, Vol. III. p. 124.—Expired.

C A P. VI.

An ACT for naturalizing such foreign Protestants as are settled or shall settle within this Province, who, not being of the People called Quakers, do conscientiously refuse the taking of any Oath.

WHEREAS by an Act of Parliament, passed in the Thirteenth Year of the Reign of our present Sovereign King GEORGE the Second, intituled, *An Act for naturalizing such foreign Protestants, and others therein mentioned, as are settled or shall settle in any of his Majesty's Colonies in America*, it is, amongst others Things, provided and enacted, That from and after the First Day of June, in the Year of our Lord One Thousand Seven Hundred and Forty, all Persons born out of the Legiance of his Majesty, his Heirs or Successors, who have inhabited and resided, or shall inhabit and reside, for the Space of Seven Years or more, in any of his Majesty's Colonies in *America*, and shall not have been absent out of some of the said Colonies for a longer Space than Two Months, at any one Time during the said Seven Years, and shall take and subscribe the Oaths; and make, repeat and subscribe, the Declaration appointed by an Act, made in the First Year of the Reign of his late Majesty King GEORGE the First, intituled, *An Act for the further Security of his Majesty's Person and Government*, &c. or being of the People called Quakers, shall make and subscribe the Declaration of Fidelity, and take and affirm the Effect of the Abjuration Oath, appointed and prescribed by an Act, made in the Eighth Year of his said late Majesty, intituled, *An Act for granting the People called Quakers such Forms of Affirmation or Declaration, as may remove the Difficulties which many of them lie under*, and also make and subscribe the Profession of his Christian Belief, appointed and prescribed by an Act, made in the First Year of the Reign of their late Majesties King WILLIAM and Queen MARY, intituled, *An Act for exempting their Majesties Protestant Subjects from the Penalties of certain Laws*, before the Chief Judge, or other Judge of the Colony, wherein such Persons respectively have so inhabited and resided, or

shall

shall so inhabit and reside, shall be deemed, adjudged and taken, to be His Majesty's natural-born Subjects, to all Intents, Constructions and Purposes, as in and by the said Act, among other Things, fully appears. And whereas by an Act of Assembly of this Province, made in the Fourth Year of the Reign of the said late King GEORGE the First, and approved of by the Lords Justices, in Council, intituled, *An Act for the Advancement of Justice*, &c. it was, among other Things, enacted, That the Affirmation of such Persons (whether of the People called Quakers or others) as conscientiously refuse to take an Oath, shall be accounted and deemed in the Law to have the full Effect of an Oath, in any Case whatsoever, in this Province. And whereas divers Persons, born out of the Legiance of our said present Sovereign King GEORGE the Second, from the Lenity of our Government, the Benefit of our Laws, the Advantages of our Trade, and the Security of our Property, have been induced to settle within this Colony, and although otherwise qualified according to the Tenor of the Act of Parliament aforesaid, are not of the People called Quakers, and do conscientiously refuse to take any Oath, and are thereby disabled from partaking of the Benefit *British* Subjects in this Colony enjoy, and by the Act of Parliament aforesaid is intended: Therefore, for removing of these Difficulties, and those of others who may hereafter come amongst us in like Circumstances, BE IT ENACTED by the Honourable GEORGE THOMAS, Esq; with the King's Approbation, Lieutenant-Governor, under the Honourable JOHN PENN, THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent* and *Sussex*, on *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That from and after the Publication of this Act all Persons, being Protestants, born out of the Legiance of our present Sovereign King GEORGE the Second, his Heirs or Successors, who shall conscientiously refuse an Oath, and have inhabited and resided, or shall inhabit and reside, for the Space of Seven Years or more, within this Province, and shall not have been absent out of the same, or some other of the Colonies, in the said Act of Parliament mentioned, for a longer Space than Two Months at any one Time, during the said Seven Years, and shall make and subscribe the Declaration of Fidelity, and the Profession of his Christian Belief, and take and affirm the Effect of the Abjuration Oath, before the Chief Judge, or other Judge of the Supreme Court of this Province, in such Sort, Manner and Form, as in and by the said Act of Parliament is directed to be done and performed by the People called Quakers, shall be deemed, adjudged and taken, to be the King's natural-born Subjects of this Province, to all Intents, Constructions and Purposes, as if they and every of them had been or were born within this Province: Which said Affirmations the said Chief Judge, or other Judge aforesaid, is hereby enabled, impowered and required, to administer and take. And when administered and taken, an Entry thereof shall be made in the said Court, and in the Secretary's Office, and the Names of the Persons transmitted to the Commissioners for Trade and Plantations yearly, in like Manner, as by the Act of Parliament herein before recited is directed. And for administering the said Affirmations, and making Entries thereof, the Judges and Secretary aforesaid, respectively, shall be intitled to the like Fees, and be under like Penalties, as in and by the said Act of Parliament is directed and inflicted.

Passed February 3, 1742-43.—Recorded A, Vol. III. p. 127.

At the COURT at *St. James's*, the Seventeenth Day of *December*, 1746.

P R E S E N T.

The KING's most Excellent MAJESTY,

LORD PRESIDENT, &c. &c. &c.

WHEREAS in Pursuance of the Powers granted to the Proprietaries of the Province of *Pennsylvania*, by Letters Patent, under the Great Seal, the Deputy Governor, Council and Assembly, of the said Province did, in *February* 1742, pass an Act, which hath been transmitted, and is intituled as follows, viz.

An Act imposing a Duty on Persons, convicted of heinous Crimes, brought into this Province, and not warranted by the Laws of Great-Britain; and to prevent poor and impotent Persons being imported into the same.

His Majesty this Day took the said Act into his Royal Consideration; and having received the Opinion of the Lords Commissioners for Trade and Plantations, and also of a Committee of the Lords of his Majesty's most Honourable Privy Council, thereupon, is hereby pleased to declare his Disallowance of the said Act; and, pursuant to his Majesty's Royal Pleasure thereupon expressed, the said Act is hereby repealed, declared void, and of none Effect. Whereof the Deputy Governor, Council and Assembly, of the said Province, and all others whom it may concern, are to take Notice, and govern themselves accordingly.

W. S H A R P E.

At the COURT at *St. James's*, the Seventeenth Day of *December*, 1746.

P R E S E N T.

The KING's most Excellent MAJESTY,

LORD PRESIDENT, &c. &c. &c.

WHEREAS in Pursuance of the Powers granted to the Proprietaries of the Province of *Pennsylvania*, by Letters Patent, under the Great Seal, the Deputy Governor, Council and Assembly, of the said Province did, in *February* 1742, pass four Acts, which have been transmitted, and are intituled as follow, viz.

An Act for the more easy and speedy Recovery of small Debts.

An Act for continuing and amending the Act of Assembly, intituled, A Supplement to the Act for electing Members of Assembly, &c.

An Act for vesting the Province-Island, and the Buildings thereon erected, and to be erected, in Trustees, for providing an Hospital for such sick Persons as shall be imported into this Province, and to prevent the Spreading of infectious Distempers.

An Act for the more easy Recovery of Legacies within this Province.

His Majesty this Day took the said Acts into his Royal Consideration; and having received the Opinion of the Lords Commissioners for Trade and Plantations, and also of a Committee of the Lords of his Majesty's most Honourable Privy Council, thereupon, is hereby pleased to declare his Approbation of the said Acts; and, pursuant to his Majesty's Royal Pleasure thereupon expressed, the said Acts are hereby confirmed, finally enacted, and ratified accordingly. Whereof the Deputy Governor, Council and Assembly, of the said Province, and all others whom it may concern, are to take Notice, and govern themselves accordingly.

W. S H A R P E.

At

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, *Anno Dom.* 1743, in the Seventeenth Year of GEORGE II. and continued by Adjournments to the Eleventh Day of *August* following.

C A P. I.

An ACT for laying an Excise on Wine, Rum, Brandy, and other Spirits.
Passed May 26, 1744.—Recorded A, Vol. III. p. 137.—Expired.

C A P. II.

An ACT for the new Appointment of Trustees of the General Loan-Office of *Pennsylvania*, and for making current *Ten Thousand Pounds* in new Bills of Credit, to exchange such of those now by Law current as are torn and defaced.
Passed May 26, 1744.—Recorded A, Vol. III. p. 131.—Expired.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, *Anno Dom.* 1744, in the Eighteenth Year of GEORGE II. and continued by Adjournments to the Twenty-third Day of *August* following.

C A P. I.

An ACT for the speedy Trial of capital Offences, committed by any *Indian* or *Indians*, in the remote Parts of the Province.

Preamble.

Capital Offences, committed by *Indians*, where and how to be tried.

TO the End that all capital Offences, which have been, or hereafter shall be, committed by any *Indian* or *Indians*, within the Bounds of this Province, in Places remote from Inhabitants, may receive the most speedy and impartial Trials; BE IT ENACTED by the Honourable GEORGE THOMAS, Esq; with the King's Royal Approbation, Lieutenant-Governor, under the Honourable JOHN PENN, THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent* and *Sussex*, on *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Murders, Man-slaughters, Homicides, Felonies and Offences whatsoever, and Accessaries of the same, which by the Laws or Acts of Assembly of this Province are declared capital, or Felonies punishable by Death, which already have been committed, perpetrated or done, or shall hereafter be committed, perpetrated or done, by any *Indian* or *Indians* within this Province, in Places remote from Inhabitants, as aforesaid; all and every such Offence and Offences, in whatsoever Place or County the same hath happened, or shall happen, shall henceforth be enquired of, heard, adjudged and determined, before the Justices of the Supreme Court,

or the Justices of the Courts of Oyer and Terminer, and General Goal Delivery; to be held in the County of *Philadelphia*, by Indictments, Inquests and Verdicts, to be taken of good and lawful Men, Inhabitants of the same County, in like Manner and Form, as if such capital Offence or Offences had been committed, perpetrated or done, within the said County, any Law or Usage to the contrary thereof in any wise notwithstanding.

Passed *October* 19, 1744.—Recorded A, Vol. III. p. 146.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1745, in the Nineteenth Year of GEORGE II. and continued by Adjournments to the Twenty-fourth Day of *June* following.

C A P. I.

An ACT for the re-emitting and continuing the Loan of the Bills of Credit of this Province.

Passed *March* 1, 1745-46.—Recorded A, Vol. III. p. 166.—Expired.

C A P. II.

An ACT for amending the several Acts for electing Members of Assembly.

WHEREAS notwithstanding the just and impartial Method prescribed for electing of Members of Assembly by the Charter of Privileges, granted by the Honourable WILLIAM PENN, Esq; late Proprietor and Governor in Chief of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, to the Inhabitants thereof, and of the several Acts of Assembly of the said Province, made in Pursuance of the said Charter, for the more free, impartial and peaceable Election of Members to serve in the General Assembly of the said Province, and of Sheriffs, Coroners, Commissioners, Assessors, and of Inspectors to assist in the said Election, it was nevertheless found upon Experience, that the Method formerly prescribed by the Laws of this Province for choosing Inspectors to assist the Sheriff, and for receiving the Poll or Votes at the said Elections, did not answer the good Purposes for which it was intended, but great Numbers of disorderly Persons, many of whom not being qualified to vote for Members of Assembly, mixed themselves among the Electors at the Time of choosing Inspectors, and by their rude and disorderly Behaviour disturbed the Electors, and created Strifes and Quarrels, to the great Danger and Disquiet of the peaceable People there met together, and in Delay of the said Elections. And whereas it often happened, that the said Inspectors were chosen most or all of them out of one Part of the County, and by reason thereof could not be so well acquainted with the Estates and Circumstances of all the Electors, which was the principal End of their first Appointment. For remedying of which Inconveniences, an Act of General Assembly of this Province was passed in the Twelfth Year of the present Reign, intituled, *A Supplement to the Act for electing Members of Assembly*, and also one other Act was passed in the Sixteenth Year of the same Reign, intituled, *An Act for continuing and amending the Act of Assembly last aforesaid*; which Acts, with some Amendments, are thought necessary to be perpetuated: THEREFORE BE IT ENACTED by the Honourable GEORGE THOMAS, Esq; with the King's Royal Approbation, Lieutenant-Governor, under the Honourable JOHN PENN, THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and the Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with

Preamble.

4 ANNE.

6 GEO. III.

Cap 8.

The Eight
Districts of
each County
to continue
unalterable.

the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Eight several Districts, into which the several Counties within this Province have been divided by the Justices of the said Counties, in Pursuance of the Acts of Assembly aforesaid, do and shall continue, and they are hereby declared to be and shall continue unalterable, except in such Cases as are herein after provided, for the Purposes herein after mentioned : And that if any new Townships since the Passing of the Acts aforesaid have been, or shall be, erected out of several Districts within any of the said Counties, that it shall and may be lawful for the Justices aforesaid respectively, at their Quarter Sessions of the Peace next after the Publication of this Act, and at the Quarter Sessions of the Peace next following the erecting such Townships, and they are hereby enjoined and required to annex such Township or Townships to the District or Districts, out of which the greatest Part of the said Townships respectively were taken, and to deliver to the Sheriff of the respective Counties an Account to what District the same Township or Townships are annexed, with the Names of all the new erected Townships ; all which the said Sheriff shall make known to the respective Constables of the said Townships with all Expedition, thereby to enable them to discharge their several Trusts, in Pursuance of the Directions of this Act.

Time, Place
and Method,
of choosing
Inspectors of
the Elections.

II. *AND be it further enacted by the Authority aforesaid,* That the Freeholders, and others qualified to elect Members of Assembly in each Township, shall meet on the Twenty-seventh Day of *September* yearly, but if the same shall happen upon a First Day of the Week, then upon the Day before, at some convenient Place within their said respective Townships, to be appointed by the Constable of the said Township, or in case of his Absence, Neglect or Refusal, then at such convenient Place within such Township as the Overseers of the Poor shall appoint ; and the said Electors, being qualified to vote for Members of Assembly, shall, between the Hours of Nine in the Forenoon and Three in the Afternoon the same Day, during all which Time the Election shall continue, in the Presence of the Constable, and such two Freeholders as he shall call to his Assistance, or, in case of his Absence, Neglect or Refusal, the Overseer of the Poor, proceed to elect, by balloting, one able and discreet Freeholder, residing within the said Township, who may be supposed to be best acquainted with the Estates and Circumstances of the Inhabitants ; the Name of which Person, so nominated and chosen, is to be taken down in Writing, by the Constable, or Overseer of the Poor, as the Case shall happen, with the Name of the Township for which he is chosen, and shall be delivered to the Sheriff of the County at the Place of Election, or to such Person or Persons as shall happen to be Judges of the Election, before the Hour of Nine in the Forenoon of the Day whereupon the Election of Members of Assembly shall happen ; and the Sheriff, or other Judge of the Election, having then and there received the Names of all the Persons chosen for the respective Townships within his County, or so many of them as shall be delivered to him, in Manner aforesaid, he shall call to his Assistance at least four Freeholders of the County, and in their Presence shall put all the Names of the Persons returned for each District, wrote on several Pieces of Paper, to be cut and folded up after the usual Manner of folding Tickets, as near as may be of equal Size and Bigness, into a separate Box, to be provided by him for that Purpose, and shall likewise, in the Presence of the said Freeholders, call some indifferent Person, who shall draw one Name out of each Box, and deliver the same to the Sheriff, or other Judge of the Election ; which being done, the Persons whose Names shall happen to be drawn, and being present, shall for that Year be the Inspectors of the Election, and as such shall be published by the Sheriff, in the Presence of the Electors, or so many of them as shall be present.

Time, Place
and Method,
of choosing
Inspectors for
Philadelphia.

III. *AND be it enacted by the Authority aforesaid,* That it shall and may be lawful for the Inhabitants of the respective Wards of the City of *Philadelphia*, qualified to vote for Members of Assembly, to meet together, at the Time herein before-mentioned for the Meeting of the Inhabitants of the respective Townships in this Province, and at some convenient Place within their respective Wards, to be appointed by the Constable of the Ward to which he belongs, of which public Notice shall be given in Writing, by affixing the same upon four of the most public Places within each of the said Wards of the City of *Philadelphia* aforesaid,

aforesaid, at least Six Days before the said Twenty-seventh Day of *September*, and there shall, in the Presence of the Constable of the Ward, and such two Freeholders of the said Ward as he shall call to his Assistance, proceed to choose, by balloting, one substantial Freeholder, of Ability and Integrity, residing within the said Ward, whose Name, when so chosen, shall be taken in Writing, and certified by the Constable and Freeholders aforesaid to the Sheriff of the County, or other Judge of the said Election, in the Manner before directed for the Constables of Townships; and the Sheriff shall put the Names of all the Persons so to him returned, wrote upon several Pieces of Paper, to be cut and folded up after the usual Manner of folding Tickets, as near as may be of equal Size and Bigness, into a Box, and shall call some indifferent Person, who shall draw four of the said Names out of the said Box, and deliver the same to the Sheriff, who shall read the same publicly, in the Presence of the Electors then present; and the four Persons, whose Names shall so happen to be drawn, shall, together with the Inspectors chosen out of the several Districts of the said County, be the Inspectors for that Year for the Election, and as such shall be qualified in the Manner before directed for other Inspectors; and the other six Persons, whose Names shall remain in the Box, or any four of them, shall be the Inspectors for that Year at the Election of Burgesses and Assessors for the City of *Philadelphia*, and shall be qualified in Manner aforesaid: But before they proceed to act, in assisting the Sheriff to receive the Poll or Votes of the said Electors, they shall be qualified by Oath or Affirmation, by the Sheriff of the proper County, or other Judges of the Elections, who are hereby required and impowered to administer the same; *That they the said Inspectors will duly attend the ensuing Election, during the Continuance thereof, and will truly and faithfully assist the Sheriff, Coroner or other Judges of the said Election, to prevent all Frauds and Deceits whatsoever, of Electors or others, in carrying on the same, and in causing the Poll or Votes at such Election to be taken and cast up, according to the Direction of the before recited Act:* And the said Inspectors shall, and are hereby authorized to, administer to every Elector, or Person who presents his Ticket, an Oath or Affirmation, in the Words directed by the aforesaid Act of Assembly, unless the Qualification of such Elector be generally well known, or some one or more of the said Inspectors shall and will openly declare to the rest, that they know such Elector to be qualified as in the aforesaid Act of Assembly is required; and the Votes or Tickets of such as offer to poll, and refuse to take the said Oath or Affirmation, shall be openly rejected, and the Votes or Tickets of every Person, who takes the said Oath or Affirmation, shall, with the other lawful Tickets or Votes, be put into the Box, and no Ticket so received shall be suppressed.

Inspectors to be qualified.

And may qualify Electors. See 4 ANNE.

The Votes of Electors, refusing to be qualified, rejected.

IV. AND to the End this Act may be duly executed, and the Peace preserved, *Be it therefore enacted by the Authority aforesaid,* That the Constables of the respective Townships within the several Counties of this Province, or in case of the Death, Neglect or Absence, of the said Constables, then the Overseers of the Poor of such Township, or one of them, shall, at least Six Days before the said Twenty-seventh Day of *September* in every Year, give public Notice in Writing, by affixing the same at the most public Places in the respective Townships, of the Place where the Inhabitants of the Township in which they live shall meet, to elect a fit Person according to the Direction of this Act; and that the said Constable, or in his Absence, the Overseer of the Poor as aforesaid shall there attend at the Time appointed in this Act; and such Constable, or Overseer of the Poor, shall call to his Assistance two substantial Freeholders of the said Township, being there present, who shall assist him in judging of the said Election, and in taking the Votes, and who, together with himself, shall certify to the Sheriff of the County, or other Judge of the Election, under their Hands, that such Person was elected by a Majority of lawful Votes by the Township to which he belongs; the Name of which Person, so elected as aforesaid, shall be delivered to the Sheriff, or other Judge or Judges of the Election of the County to which they belong, in the Manner herein before directed.

Constables to give public Notice.

Two Freeholders to assist the Constable.

V. AND if any Sheriff or Coroner, Constable or Overseer of the Poor, being the Judge of such Election as aforesaid, shall neglect to do the Duty hereby enjoined them respectively, or shall wilfully misbehave himself or themselves in the Execution of his or their Duty, and be thereof legally convicted, such Person

Penalty on Sheriffs, &c. neglecting, &c.

son so offending, if Sheriff or Coroner, shall forfeit the Sum of *One Hundred Pounds*, and if a Constable, or Overseer of the Poor, shall forfeit *Five Pounds*, to any Person who will sue for the same.

Of Inspectors.

VI. AND if any of the Persons elected as aforesaid, and returned for any Township within this Province, or for any of the Wards of the City of *Philadelphia*, in the Manner before directed, shall neglect or refuse to give his Attendance at the Time and Place of electing Members of Assembly, every such Person, so offending, shall likewise forfeit the Sum of *Five Pounds*, to any Person who will sue for the same. The said several Forfeitures to be recovered by Action of Debt in any Court of Record within this Province, with Costs of Suit.

VII. AND if the Person whose Name shall happen to be drawn, being called, shall not appear, then the Name of another Person, belonging to the same District, shall be drawn, and shall be qualified and proceed to officiate as an Inspector, in the Manner before directed in this Act for Inspectors.

Repeal of a former Act.

VIII. AND be it enacted by the Authority aforesaid, That an Act of the General Assembly of this Province, intituled, *A supplementary Act to the Act for ascertaining the Number of Members of Assembly, and to regulate Elections*, passed in the Thirteenth Year of the Reign of King GEORGE the First, and ever Article and Clause therein, shall be, and is hereby repealed.

IX. PROVIDED always, That nothing herein contained shall be deemed or taken to alter or make void the Act of General Assembly, made in the Fourth Year of the Reign of the late Queen ANNE, or any Thing therein contained; but that every Clause, Article and Sentence therein, except what is hereby altered or supplied, shall be and remain in full Force and Virtue, as the same was before the making of this Act, or the aforesaid supplementary Act hereby repealed.

Passed March 1, 1745-46.—Recorded A, Vol. III. p. 177.

C A P. III.

An ACT for the more easy and speedy Recovery of small Debts.

Preamble.

WHEREAS it is found by Experience that a great Number of the Law-suits, which are commenced in this Province, are brought against the poorer Sort of People for small Sums of Money, who are unable to bear the Expences arising by the common Method of Prosecution: Therefore, for remedying thereof, BE IT ENACTED by the Honourable GEORGE THOMAS, Esq; with the King's Royal Approbation, Lieutenant-Governor, under the Honourable JOHN PENN, THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent* and *Sussex*, on *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Actions for Debt, or other Demand, for the Value of *Forty Shillings* and upwards, and not exceeding *Five Pounds* (except such Actions as are herein after excepted) shall, immediately after the Publication of this Act, be, and are hereby made, cognizable before any Justice of the Peace of any of the Counties in this Province, in the County in which the Defendant shall be or reside; and the said Justices are hereby respectively empowered and required, upon Complaint to either of them made for any such Debt or Demand, to issue a Warrant, in the Nature of a Summons or Capias, as the Case may require, directed to the Constable of the Township or District where the Defendant dwells or can be found, or to some other Constable near to him, commanding such Constable to bring, or cause such Defendant to appear before the said Justice, at the Time and in the Manner following, that is to say; In Cases where such Process shall be in the Nature of a Capias, forthwith after the Service thereof; but where a Summons shall be issued, then on some certain Day therein to be expressed, not less than Five, nor exceeding Eight, Days from the Date of such Process; and at the Time appointed for the Hearing of any such Cause, the said Justice, having heard and examined the Parties, with their Proofs and Allegations, shall give Judgment thereupon, as the true Merits and Right of the Cause shall appear to him; or, at the Request of the Parties, Auditors or Referrees shall be named by them, and, being approved of by the Justice, shall proceed to hear and examine the Proofs and Allegations of the Plaintiff and Defendant; and,

Actions for Debt, from Forty Shillings to Five Pounds, cognizable before any Justice.

Process thereon.

and, upon the Return of such Auditors, the said Justice shall give Judgment thereupon accordingly, with such Costs only in either Case, as by the Laws of this Province are allowed in Debts under *Forty Shillings*.

II. *PROVIDED always*, That the Process against a Freeholder shall be by Summons only, and Service shall be made thereof on the Person, or a Copy thereof left at the House of the Defendant, in the Presence of one or more of his Family or Neighbours, at least four Days before the Time appointed for a Hearing; and in case the Defendant does not appear at the Time appointed, then on Oath or Affirmation, made by the Constable, that the said Summons was duly served in Manner aforesaid, the Justice who granted the same Summons may, either then, or on such further Day as he shall deem consistent with Reason and the Nature of the Case to appoint, and not otherwise, proceed to hear and determine such Cause or Causes in the Defendant's Absence, and give Judgment, and award Execution thereupon, as if the Defendant had been personally present.

III. *AND be it further enacted by the Authority aforesaid*, That after Judgment given, in any of the Cases aforesaid, the Justice who pronounced the same shall grant Execution thereupon, directed to the Constable aforesaid, commanding him to levy the Debt or Damages and Costs, of the Defendant's Goods and Chattels, who by Virtue thereof shall, within the Space of Ten Days next following, expose the same to Sale by public Vendue, returning the Overplus, if any be, to the Defendant; and for Want of sufficient Distress, to take the Body of such Defendant into Custody, and him or her to carry and convey to the common Goal of the County; and the Sheriff or Keeper of such Goal is hereby required to receive the Person or Persons so taken in Execution, and him, her or them, safely to keep, until the Sum recovered, with Costs, be fully paid, and in Default of such safe Keeping, to be liable to answer the Damages to the Party grieved, in such Manner as by Law is provided in case of Escapes; but in case no Assets belonging to the Defendant, sufficient to pay the Debt and Costs, can be found, it shall and may be lawful for the Plaintiff to apply to the Justice, who pronounced the Judgment, for a Transcript thereof, and on filing the same in the Prothonotary's Office of the Court of Common Pleas, in that County in which the Recovery shall be had, it shall and may be lawful for the Plaintiff to levy the Sum recovered, with Costs of Suit, on the Lands and Tenements of the Defendant, either by *Fieri Facias*, *Venditioni Exponas* or *Extent*, as the Case may require, in like Manner as by Law is provided in other Cases.

IV. *PROVIDED always*, That no such Execution shall be issued against any Freeholder, in less than the Space of Three Months next after the Entry of such Judgment, unless the Plaintiff, or somebody for him or her, shall, on Oath or Affirmation, declare, that he or she hath good Reason to believe that the Debt will by such Delay be lost, for that at the End of the said Term, or before it, he or she believes the Defendant will not have sufficient Assets in the County, on which the said Debt may be levied; and if any Judgment, to be given as aforesaid, shall be against a Person not a Freeholder, such Person shall have the Execution against him or her respited for like Term of Three Months, on his or her entering into Recognizance to the Plaintiff, with one sufficient Security, in the Nature of special Bail, on Condition to deliver the Body of the Defendant to the Sheriff of the County at, or any Time before, the Expiration of the Time so to be allowed, or that the Money adjudged to be due shall then be paid; and in Default of giving such Security, shall be committed to the common Goal of the County, there to remain until the Debt and Costs shall be paid, or such Defendant otherwise legally discharged.

V. *PROVIDED also*, That where the Plaintiff in any Case shall become Non-suit, or Judgment shall pass against him, then the Justice is hereby required to assess the Defendant his reasonable Costs, to be levied in Manner aforesaid.

VI. *PROVIDED also*, That it shall and may be lawful for the Justices of the respective Courts of Common Pleas to give such Relief to any insolvent Debtor or Debtors, prosecuted in Pursuance of this Act, as they might have done by the Laws now in Force, in case this Act had not been made.

VII. *PROVIDED also*, That if any Person or Persons shall conceive him, her or themselves aggrieved by any such Judgment, so to be given (Cases determined on the Return of Auditors or Referrees as aforesaid only excepted) it shall

and may be lawful for such Person or Persons, at any Time within the Space of six Days next following the giving of such Judgment, but not after, to appeal therefrom to the next Court of Common Pleas, to be holden for the County in which such Suit shall be commenced, he, she or they, first entering into Recognizance, with at least one sufficient Security, at least in double Value of the Debt or Damages sued for, and sufficient to answer all Costs, to prosecute the said Appeal with Effect, and to abide the Order of the said Court, or in Default thereof to be sent by Mittimus to the Sheriff of the County, by him to be kept, until he, she or they, shall give such Security, or be otherwise legally discharged.

Justices to
keep Books
for entering
Judgment.

VIII. *AND be it further enacted by the Authority aforesaid*, That the said Justices shall cause fair Entries to be made, in Books by them to be provided for that Purpose, of the Names of the Plaintiff and Defendant, in all such Cases as may come before them, with the Debt and Costs adjudged, and the Time when the same Judgment was given; and upon any Appeal made from any such Judgment, the Justice, who pronounced the same, shall send a Transcript thereof to the Prothonotary of the Court of Common Pleas of the County, in which such Appeal is made, on or before the first Day of the Term next following any such Appeal; for which Transcript, or any other obtained by Virtue of this Act, the Justice shall be allowed, in the Costs to be taxed, *Eighteen-pence*, and no more.

Method of
proceeding
in Court up-
on Appeal.

IX. *AND be it further enacted by the Authority aforesaid*, That at the Court, to which any such Appeal shall be made, the Person, so appealing, shall cause an Entry of his Suit to be made by the Prothonotary of such Court, and shall either have his Appearance entered, or give Bail to the Action, as the Nature of the Case may require; or on Neglect thereof, and Application of the Appellee to the Court for that End, the Appellant's Default shall be recorded, the first Judgment affirmed, with reasonable Costs, and Execution shall be issued out of the said Court against the Defendant's Body, Goods or Chattels, as is usual in other Cases; and in case the Defendant shall appeal, or give Bail as aforesaid, the Plaintiff or Defendant in the Appeal, as the Case may require, shall file his or her Declaration, and the adverse Party plead to Issue, in such Time as shall be directed by the Court, so always that the Cause be tried by a Jury of the Country, in the usual Manner, either the Court to which such Appeal is made, or the next Term at farthest, unless the Court, on Cause to them shewn, shall think fit to give the Parties a farther Day; and as the Verdict shall be rendered in any of the said Causes, the Court shall give Judgment thereupon, as the Nature of the Case may require, with Costs of Suit.

X. *PROVIDED always*, That if the Parties, Appellant and Appellee, shall neglect or refuse to file his or her Declaration, or to plead to Issue, in such Time as shall be directed by the Court, a Non-suit or Judgment by Default may be entered for Want thereof as usual.

Costs to be
but Two-
thirds.

XI. *PROVIDED also*, That the Costs to be taxed in any such Suit, to the several Officers and others concerned, for the Services by them respectively to be done, shall be two third Parts only of the Costs now usually taken in the said Courts of Common Pleas.

XII. *PROVIDED also*, That none of the Justices, who, by Virtue of this Act, shall hear and determine any of the Causes aforesaid out of Court, shall afterwards sit on the hearing and determining the same Cause, on an Appeal made to any of the Courts of Common Pleas aforesaid.

Penalty on
commencing
Suits, made
cognizable
by this Act,
in any other
Manner.

XIII. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons whosoever shall commence, sue or prosecute, any Suit or Suits, for any Debts or Demands, made cognizable as aforesaid, in other Manner than is directed by this Act, and shall obtain a Verdict or Judgment therein for Debt or Damages, which, without Costs of Suit, shall not amount to more than *Five Pounds* (not having caused an Oath or Affirmation to be made before the obtaining of the Writ of Summons or Capias, and filed the same in the Prothonotary's Office respectively, that he, she or they, so making Oath or Affirmation, did truly believe the Debt due, or Damage sustained, exceeded the Sum of *Five Pounds*) he, she or they, so prosecuting, shall not recover any Costs in such Suit, any Law, Usage or Custom, to the contrary notwithstanding.

XIV. *PRO-*

XIV. *PROVIDED* also, That this Act, nor any Thing herein contained, shall be deemed, construed or understood, to extend to Actions of Debt for Rent, Debt upon Bonds for Performance of Covenants, to Actions of Covenant, to Actions of Replevin, or upon any real Contract, nor to Actions of Trespass on the Case for Trover and Conversion, or Slander, nor to Actions of Trespass for Assault and Battery, or Imprisonment, nor to such Actions, where the Title of Lands shall any wise come in Question.

Actions not
cognizable
by this Act.

Passed March 1, 1745-46.—Recorded; A, Vol. III. p. 166:

C A P. IV.

A Supplement to the ACT, intituled, *An Act for erecting Houses of Correction and Work-Houses in the respective Counties*; and to the ACT, intituled, *An Act to enable Jeremiah Langhorne, &c. to build a Court-House in the County of Bucks*:

WHEREAS by an Act of General Assembly of this Province, intituled, *An Act for erecting Houses of Correction and Work-Houses in the respective Counties*, made in the Fourth Year of the Reign of King GEORGE the First, it was amongst other Things enacted, That a House of Correction or Work-House should be built at *Bristol*, in the County of *Bucks*, within the Time therein limited, which is long since expired, and no House of Correction or Work-House hath hitherto been built for the Use of the said County. And whereas by another Act of Assembly, intituled, *An Act to enable Jeremiah Langhorne, William Biles, Joseph Kirkbride, jun. Thomas Watson, Practitioner in Physick, and Abraham Chapman, to build a new Court-House and Prison in the said County of Bucks*, made in the Eleventh Year of the Reign last aforesaid, it was amongst other Things enacted, That it should and might be lawful for them, the said *Jeremiah Langhorne, William Biles, Joseph Kirkbride, Thomas Watson, and Abraham Chapman*, or any three of them, to purchase and take Assurance to them, and to their Heirs, of a Piece of Land situate in some convenient Place in *Newtown*, in the said County, in Trust for the Use of the said County, and to erect a Court-House and Prison thereon, sufficient to accommodate the public Service of the said County. And whereas in Pursuance of the Act last mentioned the said Trustees have purchased a Piece of Land, situate in *Newtown* aforesaid, containing about Five Acres, and taken an Assurance thereof to them and their Heirs for ever, in Trust for the Use of the said County, and also caused a Court-House and Prison to be built on the Premises for the Use aforesaid; which Prison, on Experience, having been found too small for the Purpose aforesaid, divers Assessments were made, and Rates levied on the Inhabitants of the said County, and therewith a more commodious Prison hath since been built on the said Ground, sufficient for the public Use of the County aforesaid, and the Prison first built is no longer necessary for the Purpose for which it was erected, and may, until further Provision be made, be fitly used as a Work-House and House of Correction for the said County. And whereas three of the said Trustees, since the making of the Act last mentioned, to wit, *Jeremiah Langhorne, William Biles, and Thomas Watson*, are dead, and it is fitting other Trustees should be named in their Places. And whereas divers Parts of the said Five Acres of Land, purchased for the Use of the said County, have been granted in Fee-simple, on yearly Rents, payable to them the said Trustees, for the Use of the said County, and other Parts thereof remain uninclosed, of little Use to the said County, which might also be granted at considerable yearly Rents, and the public Charges of the County be thereby lessened. But forasmuch as Doubts may arise concerning the Power of the said Trustees to grant the same, and whether the old Prison can be applied to the Use aforesaid: Therefore, for avoiding these Doubts, BE IT ENACTED by the Honourable GEORGE THOMAS, Esq; with the King's Royal Approbation, Lieutenant-Governor, under the Honourable JOHN PENN, THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle, Kent and Suffex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority

Creation of
Trust, and
Appoint-
ment of
Trustees.

Their Power
to confirm
former
Grants,

and to grant
what more
can be spar-
ed.

Shall yearly
account with
the County
Treasurer;

may recover
Rent due by
Distress, or
Action of
Debt.

Trustees dy-
ing &c. to
be replaced
by the Coun-
ty Commis-
sioners.

The old Pri-
son declared
to be a
Work-
House.

city of the same; That the aforesaid *Joseph Kirkbride*, and *Abraham Chapman*, with *Mark Watson*, *Mablen Kirkbride*, and *John Watson, jun.* of *Buckingham*, and such other Person and Persons as shall hereafter be named, in Pursuance of this Act, do stand seized, and they are hereby declared to stand seized of the Five Acres of Land aforesaid, to hold to them and to their Successors for ever; in Trust nevertheless for the Use of the said County, and to such Uses, Intents and Purposes, as are herein after mentioned, and to no other Use whatsoever; that is to say, That as to so much of the Five Acres of Ground aforesaid, as hath already been granted in Fee-simple, at a yearly Rent for ever, that they the said Trustees, or the Survivors and Survivor of them, do grant and confirm the same to the Persons to whom it was so granted, and to their Heirs and Assigns respectively for ever; and as to so much more of the said Five Acres of Ground as can be spared, without incommoding the Court-House, and other public Buildings thereon erected, or to be erected, for the Use of the said County, on this further Trust, that they the said Trustees, or any three of them, shall and will grant, bargain and sell, the same to such Person and Persons, as are or shall be willing to purchase the same, and to his, her and their Heirs and Assigns respectively for ever, reserving always out of every Part and Parcel thereof which shall so be granted, the best yearly Rent that can be had and obtained for the same, payable to them the said Trustees, and their Successors in the said Trust, for the public Use of the said County for ever.

II. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful for the said Trustees, and to and for their Successors in the same Trust, to receive the Rents which are or shall be reserved as aforesaid, as the same shall from Time to Time become due; and the said Trustees shall, once in every Year, account with, and pay the same to the Treasurer of the County aforesaid, for the public Use of the said County, and the said Treasurer shall give his Receipts for the Money from Time to Time so paid him, which shall be sufficient Discharges to them the said Trustees, their Heirs, Executors and Administrators, for ever; but if it so happen that any Person or Persons, who have accepted or taken, or may accept and take, Grants of any Part or Parcels of the Ground aforesaid, shall neglect to make Payment of the Rent reserved, when the same shall become due, that then and so often, and in every such Case, it shall be lawful for the said Trustees, and the Survivors and Survivor of them, and for their Successors, appointed by Virtue of this Act, to distrain from Time to Time, or to bring Actions of Debt, for the Rent which shall be in Arrear, in any Court of Record in the said County, and to recover the same with Costs of Suit.

III. *AND be it further enacted by the Authority aforesaid*, That when and so often as any of the said Trustees shall die, or become incapable of performing the Trust, it shall and may be lawful for the Commissioners of the said County, chosen by Virtue of an Act of the General Assembly of this Province, intituled, *An Act for raising County Rates and Levies*, passed in the Eleventh Year of the Reign of King GEORGE the First, and to and for any two of them, to appoint others in the Stead of the Trustees so dying or being disabled; which Trustees, when appointed, shall have the same Powers and Authorities, to all Intents and Purposes, as the Trustees named and appointed by this Act.

IV. *AND be it further enacted by the Authority aforesaid*, That the Prison first built as aforesaid shall be, and the same is hereby declared to be, a House of Correction and Work-House for the said County, and as such, with the Prison Yard adjoining, shall be subject to the same Regulations, and shall and may be used, occupied and employed, to all Intents and Purposes designed by the Act for erecting of Houses of Correction and Work-Houses in the respective Counties before-mentioned, as amply as if the same had been built for the Purpose, at the Place, and within the Time limited by the said Act, until such Time as a new and more commodious House shall be built for the same Purposes.

Passed March 1, 1745-46. — Recorded A, Vol. III. p. 173.

C A P. V.

An ACT for erecting of a House of Correction and Work-House in the Borough of *Bristol*, in the County of *Bucks*, and for raising of Money on the Inhabitants of the said Borough, for the public Use and Benefit thereof.

WHEREAS *William Keith*, Esq; afterwards Sir *William Keith*, formerly Lieutenant-Governor of this Province, by Letters Patent, under the Great Seal of the said Province, bearing Date on or about the Fourteenth Day of *November*, One Thousand Seven Hundred and Twenty, did erect the Town of *Bristol* aforesaid, into a Borough, with Privilege to the Inhabitants thereof, annually to meet at the Time and Place in the said Letters Patent mentioned, and to elect, by Ballot, fit and able Men, Inhabitants of the said Town, to be Burgeses and High Constable, with all such other Officers within the same, for serving and assisting the Burgeses, in the Management of the Affairs of the said Borough, and in keeping of Peace and good Order therein, from Time to Time, as to the said Electors, or to the Majority of them, should seem requisite; and that the Burgeses first chosen, or having the Majority of Votes, should be called Chief Burgeses of the said Town; and that the Burgeses so from Time to Time to be chosen, taking the Qualifications in the said Letters Patent directed and enjoined, were thereby commissioned and impowered to be Conservators of the Peace, with Powers to arrest, imprison and punish, Rioters and Breakers of the Peace, and to bind them, and all other Offenders, and Persons of evil Fame, to the Court of General Quarter Sessions of the Peace of the said County, as fully and effectually as Justices of the Peace of the County may or can do, with divers other Powers, Franchises, Liberties and Privileges, in the same Letters Patents contained: But there being no Work-House, House of Correction or Prison, erected within the Bounds of the said Borough, the good Purposes of the said Letters Patents are in great Measure frustrated, and the Rule and good Government of the same Borough rendered the more difficult to be maintained: For the remedying whereof, and for the raising of Money on the Inhabitants of the said Borough, for the public Use and Benefit thereof, as is herein after directed, BE IT ENACTED by the Honourable *GEORGE THOMAS*, Esq; with the King's Approbation, Lieutenant-Governor, under the Honourable *JOHN PENN*, *THOMAS PENN*, and *RICHARD PENN*, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, on *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Burgeses and Common Council of the said Borough for the Time being shall, on the Twenty-seventh Day of *September* yearly, but if the same shall happen upon a First Day of the Week, then upon the Day before, or oftener, if Need be, meet together, and calculate the public Debts and Charges of the said Borough, and what Sum and Sums of Money may be necessary to be raised, on the Persons and Estates of the Freeholders and Inhabitants, for purchasing a Piece of Land, and building and repairing a House of Correction or Work-House thereon, or for renting one already built, as they shall judge most convenient, and also for building a Market-House, public Stalls and Bridges, repairing Town Wharffs, regulating the Streets and Highways, and to and for such other public Uses, as they the said Burgeses, or either of them, assisted by the Common Council aforesaid, or a Majority of them, shall judge necessary for the Year ensuing; which said respective Sums, with the particular Uses whereunto they shall be agreed to be appropriated as aforesaid, shall be entered in a Book, to be provided and kept for that Purpose, by the Clerk of the Peace of the said Borough, or such other Person as they shall appoint for the Purpose aforesaid, for which such Allowance shall be made to the said Clerk, as the said Burgeses and Common Council shall think reasonable.

II. AND be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Inhabitants of the said Borough, at their annual Election, to choose two or more substantial Inhabitants of the said Borough, to

Preamble.
Recital of
the Charter
of the Bo-
rough of
Bristol.

Burgeses
and Common
Council to
calculate
the public
Charges.

Inhabitants
to choose
Assessors

be Assessors of the several Sums of Money so agreed to be raised; which Assessors, so to be appointed, shall, within Six Weeks after every such Calculation, make or lay a Rate or Assessment upon themselves, and all other Persons and Estates within the Borough aforesaid, to and for the Uses aforesaid, by Poll and Pound Rate, according to the Manner now used in making Assessments in this Province for raising of County Levies, as near as may be.

Constables
to make a
Return of
the Estates
of the Inha-
bitants.

III. *AND be it further enacted by the Authority aforesaid*, That the Constables of the said Borough shall bring in Returns in Writing, within Five Days after Notice given them, of the Names and Estates of all Persons within the said Borough, for which they shall be allowed *Three-pence per Pound*, upon every Sum to be assessed as aforesaid; which Assessment, being equally and impartially laid, and signed by the said Assessors, shall be confirmed by the said Burgessees, or either of them, and the Common Council aforesaid, or a Majority of them, under their Hands and Seals, and shall be paid by every Person and Estate so assessed, on Demand made by the High Constable for the Time being, who is hereby appointed the Collector of the said Taxes; and in Case of Neglect or Refusal, the said Collector shall, by Warrant from the Burgessees aforesaid, levy the same by Distress and Sale of the Goods of the Persons so assessed, and not paying the same within Fourteen Days after Demand, rendering the Overplus of the Value of the Goods distrained to the Owner or Owners thereof, deducting the Charge of Distress; but for Want of Distress the said Assessments to be levied by Imprisonment of the Person, so neglecting or refusing to pay the same as aforesaid.

High Con-
stable to be
Collector.

Limitation
of Assess-
ments.

IV. *PROVIDED always*, That no such Assessment or Assessments, to be made in any one Year, shall exceed the Value of *Three-pence* in the Pound, of the clear Value of the Lands, Tenements, Hereditaments and personal Estate so assessed, and *Three Shillings per Head*, in Proportion to *One Penny per Pound* Tax, on all single Men, Inhabitants of the said Borough, not otherwise rated by this Act. *Provided also*, That those who are not rateable, or liable to be taxed for Relief of the Poor within the said Borough, shall not be rated or assessed by this Act.

Treasurer to
be appointed.

V. *AND be it further enacted by the Authority aforesaid*, That the said Burgessees, or either of them, with the Common Council aforesaid, or a Majority of them, shall appoint a Treasurer for the said Borough, who shall keep a Book, containing a particular Account of all the Rates and Assessments made as aforesaid, and the Money to him paid, and also of all Disbursements and Payments, which he shall make by Order from the Burgessees aforesaid, or either of them, in Conjunction with the Common Council aforesaid, or a Majority of them; whose Order to the said Treasurer, from Time to Time, shall be sufficient for the Payment of such Monies as shall come into his Hands from the said Collectors.

Who shall
account, &c.

VI. *AND be it further enacted by the Authority aforesaid*, That the said Treasurer shall, on or before the Fourth Day of *September* yearly, or oftener, if required, bring in his Accounts, and settle and make up the same, before the Burgessees and Common Council aforesaid, or such as they shall appoint; at the auditing of which Accounts, any of the said Inhabitants and Freeholders, who shall be willing, may be present; and the said Treasurer shall have, for his Trouble in the Premises, as much as the said Burgessees, or either of them, with the Common Council aforesaid, or a Majority of them, shall agree to allow; and the said Assessors shall be allowed *Three-pence per Pound*, for all the Sums levied and to be collected by this Act.

Allowance to
the Treasurer
and Assessors.

VII. *AND be it further enacted by the Authority aforesaid*, That the Money and Effects, gathered and received by the said Collectors by Virtue of this Act, shall, from Time to Time, be duly paid to the said Treasurer or Treasurers, whose Receipts shall be the Collector's sufficient Discharges: *Provided always*, That the Collector for the Time being shall forthwith, after every such Assessment made as aforesaid, give Notice to the said Freeholders and Inhabitants of the said Borough, or, in their Absence, to some or one of their Families or Neighbours, of the respective Sums they are rated, and to acquaint them, that if they think themselves aggrieved by such Assessment, they may appeal to the Burgessees and Common Council aforesaid; and shall also acquaint them with the Day and Place of Appeal, which said Day and Place of Appeal shall be appointed by the Burgessees and Common Council aforesaid, who shall

Collector to
give Notice
of the Assess-
ments and
Day of Ap-
peal.

give

give their Attendance accordingly, and have due Regard to the said Appeals, and thereupon to increase or abate the said Assessment, as the said Appellant shall appear to them to be worth, either on their own Examination or the Proof of others.

VIII. *AND be it further enacted by the Authority aforesaid,* That from and immediately after the said Appeals have been heard and determined as aforesaid, it shall and may be lawful to and for the Collector, for the Time being, to proceed in collecting and levying the said Rates and Assessments, for the collecting whereof he and they respectively shall retain and keep *Six-pence* in the Pound, and no more; and if any of the said Collectors shall refuse or neglect to collect the said Assessments respectively, or any Part thereof, and pay the same to the Treasurer, within three Months after the said Appeals are determined as aforesaid, he shall forfeit and pay to the said Treasurer, for the Use of the said Borough, *Five Pounds*, and shall also pay all Arrears of such Assessments which he was appointed to collect, which shall be levied by a Warrant, under the Hand and Seal of either of the Burgeses aforesaid, directed to the Sheriff or his Deputy, who are hereby respectively impowered and required to execute such Warrant upon the Lands and Tenements, Goods and Chattels, of the Party offending; and in case Lands and Tenements, Goods and Chattels, sufficient to make Satisfaction, cannot be found, then to imprison such Offender until Payment be made.

IX. *AND be it further enacted by the Authority aforesaid,* That it shall and may be lawful, with the Monies so to be raised as aforesaid, for the Burgeses aforesaid, or either of them, with the Common Council aforesaid, or a Majority of them, to take upon Rent, or to erect and build a House of Correction and Work-House in *Bristol* aforesaid, with a convenient Yard or Back-side to the same, and to take an Assurance thereof, in Fee-simple or otherwise, in their own Names, or in the Names of such other Persons as they shall think fit, in Trust nevertheless to and for the public Use of the said Borough, to be and remain as a House of Correction or Work-House for the said Borough, to be employed for the keeping, correcting and setting at Work, of all Rogues, Vagabonds, sturdy Beggars, and idle and disorderly Persons, who by the Laws and Usage of *Great-Britain*, or by the Laws of this Province, are to be kept, corrected or set at Work, in such Houses or Back-sides.

X. *AND be it further enacted by the Authority aforesaid,* That the Burgeses aforesaid, or either of them, in Conjunction with the Common Council of the said Borough, or the greater Number of them, shall have like Power as the Justices of the Peace of the said County had by the Laws of this Province, for choosing and appointing of a President, Treasurer and Assistants, for the said House of Correction or Work-House, within the said Borough, and upon any Vacancy, by Death or otherwise, of any of the said Presidents, Treasurers or Assistants, to elect and appoint others in their Stead, and for doing all and singular other the Matters and Things any wise concerning the Work-House aforesaid, as fully, amply and largely, as the Justices of the Peace can or may do, in respect to the Work-Houses in the several Counties, by the Laws of this Province.

XI. *AND be it further enacted by the Authority aforesaid,* That the President, Treasurer and Assistants, for the Time being respectively shall, for ever thereafter, in Name and Fact, be a Body Politic and Corporate in Law, to all Intents and Purposes, and shall have perpetual Succession, and may sue and be sued, plead or be impleaded, by the Name of, *The President, Treasurer and Assistants, of the Borough of Bristol*, in all Courts of Judicature within this Province; and by that Name shall and may receive and take any Lands, Tenements or Hereditaments, not exceeding the yearly Value of *One Hundred and Fifty Pounds per Annum*, of the Gift, Alienation or Devise, of any Person or Persons whomsoever, and of any Goods or Chattels whatsoever; and further shall have, possess and enjoy, all other the Powers, Authorities and Privileges, and be subject to the same Regulations, Restrictions and Penalties, as the President, Treasurer and Assistants, of the House of Correction or Work-House of the said County, are intitled and subject unto.

XII. *AND be it further enacted by the Authority aforesaid,* That it shall and may be lawful for the Burgeses of the said Borough of *Bristol*, for the Time being,

Collector's Allowance.

Burgeses &c. to erect a House of Correction;

and to choose a President, &c. for the said House;

Who shall be a Corporation.

Burgesses to
determine
Debts under
Forty Shil-
lings;

being, and for every of them, and they are hereby authorized to hear and determine Debts and other Demands, under the Value of *Forty Shillings*, within the said Borough, in like Manner as the Justices of the several Counties within this Province may or can do, by Virtue of the Act of General Assembly of this Province, passed in the First Year of the Reign of King GEORGE the First, intituled, *An Act for the better determining of Debts and Demands under Forty Shillings, &c.*

and to com-
mit Offenders
and Debtors.

XIII. *AND be it further enacted by the Authority aforesaid, That in all Cases wherein the Burgesses aforesaid, by Virtue of their Charter aforesaid, or otherwise, are authorized to commit Offenders or Debtors to Goal, for any Matter, Cause or Thing whatsoever, that then, and in every such Case, the said Burgesses shall commit to the Goal of the County of Bucks aforesaid, and not elsewhere, notwithstanding the said Goal is out of the Bounds of the said Borough: And further, that it shall be lawful for the Constables for the said Borough, for the Time being, and they are hereby enjoined and required, duly to execute every such Precept, by delivering the Persons, which shall so be committed, to the Keeper of the Goal of the said County, for the Time being, who is hereby enjoined and required to receive and keep them, pursuant to the Tenor of such Precepts, under the like Penalties as for suffering an Escape in other Cases.*

Passed March 1, 1745-46.—Recorded A, Vol. III. p. 161.

C A P. VI.

A Supplementary ACT to the Act, intituled, *An Act for preventing the Exportation of Bread and Flour not merchantable.*

Passed March 1, 1745-46.—Recorded A, Vol. III. p. 158.—Expired.

C A P. VII.

An ACT for the more effectual suppressing profane Cursing and Swearing.

Preamble.

12 Wm. III.
Cap. 24.

WHEREAS the Sins of profane Cursing and Swearing are odious and abominable to Almighty God, and all good Men, and may draw down God's Judgments, were such grand Offences to go unpunished: And whereas it is found by Experience, that the Act of General Assembly of this Province, intituled, *An Act to prevent the grievous Sins of Cursing and Swearing, &c.* hath proved ineffectual to the suppressing of those detestable Sins, by Reason of some Deficiencies in the said Act; BE IT THEREFORE ENACTED by the Honourable GEORGE THOMAS, Esq; Lieutenant-Governor, with the King's Approbation, under the Honourable JOHN PENN, THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and of the Counties of *New-Castle, Kent and Suffex, on Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and it is hereby enacted by the Authority of the same, That if any Person or Persons within this Province, of the Age of Sixteen Years, or upwards, from and after the Publication hereof, shall profanely swear or curse in the Presence or Hearing of any Justice of the Peace of any County, or of the Mayor, or other Head Officer, or Justice of the Peace of any City, Borough or Town Corporate, where such Offence is or shall be committed, or that shall thereof be convicted, by the Testimony of one Witness, or by the Confession of the Party offending, before any Justice of the Peace of the County, or Mayor, or other Chief Officer, or Justice of the Peace of such City or Town Corporate, where the said Offence shall be committed; that then, for every such Offence, the Party so offending shall forfeit and pay, for the Use of the Poor of the Place where such Offence or Offences shall be committed, the respective Sums or Penalties herein after mentioned; that is to say, for the first Offence, the Sum of *Five Shillings*, or suffer Five Days Imprisonment in the House of Correction, at hard Labour, and be fed with Bread and Water only, during that Time; and in case any of the Persons aforesaid shall, after Conviction as aforesaid, offend a second or other Time, such Person shall forfeit and pay, for each such Offence,

Penalty on
Persons for
Swearing
and Cursing.

Offence, double the Sum aforefaid, or fuffer Ten Days Imprifonment, in Manner aforefaid.

II. *AND be it further enacted by the Authority aforefaid*, That if any Per- On Persons
fon or Persons within this Province, under the Age of Sixteen Years, fhall pro- under Age.
fanely fwear or curfe as aforefaid, and be thereof duly convicted as aforefaid,
every fuch Perfon fhall forfeit and pay the like Sums as aforefaid, for the refpec-
tive Offences aforefaid; or in Default thereof, then, and in every fuch Cafe, any
Juftice of the Peace of the County, or Mayor, or other Head Officer, or Juftice
of the Peace of any City or Town Corporate, where the Offence fhall be com-
mitted, or the Offender inhabit, by Warrant, under the Hand and Seal of the
faid Juftice of the Peace, or other Officer aforefaid, and for any Number of Of-
fences, whereof any Perfon or Persons fhall be fo convicted, to order that he or
fhe be whipped by the Conftable, or by the Parent, Guardian or Mafter, of fuch
Offender, in the Prefence of the Conftable.

III. *PROVIDED always, and it is hereby enacted*, That no Perfon or Prosecutions
Persons fhall be profecuted or troubled for any Offence againft this Act, unlefs limited.
the fame be proved or profecuted within five Days after the Offence committed.

IV. *AND to the End this Act may be the more generally known and ob-*
served, and that fuch who may transgreff againft the Tenor of the fame may be
the lefs excufable, *Be it further enacted by the Authority aforefaid*, That, as foon
as may be after the Publication of this Act, the Printer thereof fhall deliver, or
caufe to be delivered, unto every of the Conftables of the feveral Wards in the
City of *Philadelphia*, and unto every of the Conftables of every Township and
Borough in every of the Counties within this Province, a Copy of the fame,
printed on a fingle Sheet of Paper, who fhall, forthwith after the Receipt thereof,
affix the fame in the moft public Place in their refpective Wards and Diftricts,
under the Penalty of *Five Pounds* unto each Conftable, who fhall neglect his Duty
therein, to be recovered by Action of Debt, in any Court of Record within this
Province, with Cofts of Suit, one Half Part thereof to him who will fue for the
fame, the other Half to the Ufe of the Poor of the Place wherein the Offence
fhall be committed.

V. *AND be it further enacted by the Authority aforefaid*, That fo much of Repeal of
the before recited Act, which relates to profane Swearing and Curfing, fhall be, Part of a
and is hereby declared to be repealed, made null and void. former Act.

Paſſed *March 7*, 1745-46.—Recorded A, Vol. III. p. 147.

C A P. VIII.

An ACT for granting *Five Thouſand Pounds* to the King's Uſe, out of the Bills
of Credit now remaining in the Hands of the Truſtees of the General Loan-
Office, for exchanging torn and ragged Bills, and for ſtriking the like Sum, to
replace in their Hands.

Paſſed *June 24*, 1746.—Recorded A, Vol. III. p. 177.—Obſolete.

C A P. IX.

A Supplement to the ACT, intituled, *An Act for impoſing a Duty on Perſons*
convicted of heinous Crimes, &c.

Paſſed *June 24*, 1746.—Recorded A, Vol. III. p. 176.—Repealed:

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1746, in the Twentieth Year of GEORGE II. and continued by Adjournments to the Twenty-sixth Day of *August* following.

C A P. I.

An ACT for the Continuance of an Act, intituled, *An Act for the better securing the City of Philadelphia from the Danger of Gunpowder.*

WHEREAS by the Act, intituled, *An Act for the better securing the City of Philadelphia from the Danger of Gunpowder*, passed in the Eleventh Year of the Reign of King GEORGE the First, it was amongst other Things enacted, That *William Chancellor*, of the City of *Philadelphia* aforesaid, Sailmaker, should, at his own Expence, erect a good and substantial, tight and secure Powder House, or Store for Gunpowder, at the Place, and within the Time in the said Act mentioned, so fit and capacious as might be reasonably expected to contain all the Gunpowder, to be from Time to Time imported or brought into the City aforesaid, during the Space of Twenty-one Years, the Time of the Continuance of the said Act; and that the said *William Chancellor*, his Executors and Assigns, should, during the Space aforesaid, lay up and store all the Gunpowder to be imported as aforesaid, and should, for the Storage aforesaid, receive the Fees and Perquisites, and be under the Restrictions and Regulations, in the said Act contained. And whereas the said Act hath for some Time been expired, but the Danger which may arise from Gunpowder within the City aforesaid, by the said Act provided against, as yet continues; and it is therefore necessary, that the said Act be continued, until some further Provision shall be made for the like Purposes: Therefore, at the humble Request of *Elizabeth Chancellor*, acting Executrix of the last Will and Testament of the said *William Chancellor*, deceased, on Behalf of herself and her orphan Brothers and Sisters, BE IT ENACTED by the Honourable GEORGE THOMAS, Esq; with the King's Royal Approbation, Lieutenant-Governor and Commander in Chief, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and it is hereby enacted by the Authority of the same, That the aforesaid Act, intituled, *An Act for the better securing the City of Philadelphia from the Danger of Gunpowder*, be, and the same is hereby declared to be, in full Force and Virtue. And that the said *Elizabeth Chancellor*, on Behalf of herself and her Brothers and Sisters, shall be intitled to the same Perquisites, Fees and Rewards, for the Storage of Gunpowder, and other the Premises in the Act aforesaid mentioned, and be under the same Regulations, Restrictions and Penalties, as in the said Act are contained and provided for the said *William Chancellor*, his Executors and Assigns, for and during the Space of one Year next ensuing the Publication of this Act, and from thence until some future Provision be made by Act of Assembly, and no longer.

Passed May 8, 1747.—Recorded A, Vol. III. p. 181.

At the COUNCIL CHAMBER, *Whitehall*, the Twenty-ninth Day of
October, 1748.

P R E S E N T.

Their EXCELLENCIES the LORDS JUSTICES,

Lord CHANCELLOR, &c. &c. &c.

WHEREAS in Purfuance of the Powers granted to the Proprietaries of the Province of *Pennsylvania*, by Letters Patent, under the Great Seal, the Deputy-Governor, Council and Assembly, of the said Province did, in 1744, 1745, 1746, and 1747, pass several Acts, which have been transmitted, Eleven whereof are intituled as follow, viz.

An Act for the new Appointment of Trustees of the General Loan-Office of Pennsylvania, and for making current Ten Thousand Pounds in new Bills of Credit, to exchange such of those, now by Law current, as are torn and defaced. Passed the 26th of May, 1744.

An Act for the speedy Trial of Capital Offences, committed by any Indian or Indians, in the remote Parts of the Province. Passed the 19th of October, 1744.

An Act for re-emitting and continuing the Loan of the Bills of Credit of this Province. Passed the 7th of May, 1745.

An Act for erecting a House of Correction and a Work-House in the Borough of Bristol, in the County of Bucks, and for raising of Money on the Inhabitants of the said Borough for the public Use and Benefit thereof. Passed the 7th of March, 1745.

An Act for amending the several Acts for electing Members of Assembly. Passed the 7th of March, 1745.

An Act for the more easy and speedy Recovery of small Debts. Passed the 7th of March, 1745.

A Supplementary Act to the Act, intituled, An Act for preventing the Exportation of Bread and Flour not merchantable. Passed the 7th of March, 1745.

An Act for the more effectual suppressing profane Cursing and Swearing. Passed the 7th of March, 1745.

A Supplement to the Act, intituled, An Act for erecting Houses of Correction and Work-Houses in the respective Counties; and to the Act, intituled, An Act to enable Jeremiah Langborne, &c. to build a Court-House in the County of Bucks. Passed the 7th of March, 1745.

An Act for granting Five Thousand Pounds to the King's Use, out of the Bills of Credit now remaining in the Hands of the Trustees of the General Loan-Office, for exchanging torn and ragged Bills, and for striking the like Sum, to replace in their Hands. Passed the 24th of June, 1746.

An Act for the Continuance of an Act, intituled, An Act for the better securing the City of Philadelphia from the Danger of Gunpowder. Passed the 8th of May, 1747.

Their Excellencies, the Lords Justices, this Day took the said Acts into Consideration, and having received the Opinion of the Lords Commissioners for Trade and Plantations, and also of a Committee of the Lords of his Majesty's most Honourable Privy Council, thereupon, are hereby pleased to declare their Approbation of the said Acts; and, pursuant to their Excellencies Pleasure thereupon expressed, the said Acts are hereby confirmed, finally enacted and ratified accordingly. Whereof the Deputy-Governor, Council and Assembly, of the said Province, and all others whom it may concern, are to take Notice, and govern themselves accordingly.

W. S H A R P E:

At

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1748, in the Twenty-second Year of GEORGE II. and continued by Adjournments to the Nineteenth Day of *August* following.

C A P. I.

An ACT for the new Appointment of Trustees of the General Loan-Office of *Pennsylvania*, and for the making current *Five Thousand Pounds*, in new Bills of Credit, to exchange such of those, now by Law current, as are torn and defaced.

Passed February 4, 1748-49.—Recorded A, Vol. III. p. 183.—Obsolete.

C A P. II.

An ACT for amending the Laws relating to the Partition and Distribution of Intestates Estates.

Passed February 4, 1748-49.—Recorded A, Vol. III. p. 192.—Repealed by 4 GEO. III. Cap. 5.

C A P. III.

An ACT to regulate Horse-Jockeys, and Dealers in Horses, and to prevent the bringing into this Province, for Sale, such as are small, unsizeable or un-sound.

Passed February 4, 1748-49.—Recorded A, Vol. III. p. 195.—Expired.

C A P. IV.

An ACT to encourage the killing of Squirrels within this Province.

Passed February 4, 1748-49.—Recorded A, Vol. III. p. 190.—Expired.

C A P. V.

An ACT for erecting Part of the Province of *Pennsylvania*, Westward of *Sasquehanna*, and South-Eastward of the *South Mountain*, into a County.

Preamble.

WHEREAS a great Number of the Inhabitants of the Western Part of *Lancaster* County have, by their Petition, humbly represented to the Governor and Assembly of this Province the great Hardships they lie under, by being at so great a Distance from the Borough of *Lancaster*, where the Courts of Justice are held, and the public Offices are kept, and how hard and difficult it is for the sober and quiet Part of the Inhabitants of that Part of the County to secure themselves against Thefts and Abuses, frequently committed amongst them by idle and dissolute Persons, who resort to the remote Parts of the Province, and, by Reason of the great Distance from the Court or Prison, frequently find Means of making their Escapes. For remedying of which Inconveniencies, and Relief of the Inhabitants in the Premises, BE IT ENACTED by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent* and *Suffex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all and singular the Lands, lying within the Province of *Pennsylvania* aforesaid, to the Westward of the River *Sasquehanna*, and Southward and Eastward of the *South Mountain*, be erected into a County;

Boundaries of
the County
of York.

County; and the same is hereby erected into a County, named, and henceforth to be called, *YORK*; bounded Northward and Westward by a Line, to be run from the said River *Sasquebanna* along the Ridge of the said *South Mountain*, until it shall intersect the *Maryland* Line, Southward by the said *Maryland* Line, and Eastward by the said River *Sasquebanna*.

II. *AND be it further enacted by the Authority aforesaid*, That the Inhabitants of the said County shall, at all Times hereafter, have and enjoy all and singular the Jurisdictions, Powers, Rights, Liberties and Privileges whatsoever, which the Inhabitants of any other County within the said Province do, may, or ought to enjoy, by any Charter of Privileges, or the Laws of this Province, or by any other Ways or Means whatsoever, excepting only in the Number of Representatives to serve in General Assembly of this Province, in which Case it is *Provided and further enacted by the Authority aforesaid*, That until it shall be otherwise ordered by the Governor and Assembly of this Province, the Freemen and Inhabitants of the said County, qualified by the Laws of this Province to elect, shall annually meet at or near the Place where the Court-House is intended to be built for the said County, at the same Time the Inhabitants of the other Counties of this Province shall meet for like Purposes, and there proceed to choose Inspectors, and to elect two Representatives, or Delegates, to serve them in Assembly, in the same Manner as by the Charter and Laws of this Province is directed in respect to other Counties; which said two Representatives, when so chosen, shall be Members of the General Assembly of the Province of *Pennsylvania*, and sit and act as such, as fully and freely as any of the Representatives for the other Counties within this Province do, may, can or ought to do.

The Inhabitants to elect two Representatives in Assembly.

III. *AND be it further enacted by the Authority aforesaid*, That all Taxes already laid within the Bounds of the said County of *York*, by Virtue of any Act of General Assembly of this Province, which are not already paid, shall be collected by the respective Collectors within the Bounds aforesaid, and paid into the Hands of the Treasurer of *Lancaster* County; and that all Persons concerned in the levying, receiving and paying the said Taxes, shall have the same Power and Authority, and be under the same Penalties and Restrictions, for collecting and paying the same, as by the said Acts, by which the said Taxes were assessed, are expressed and directed, until the Whole be collected and paid as aforesaid.

How former Taxes shall be collected.

IV. *AND be it further enacted by the Authority aforesaid*, That the Justices of the Supreme Court of this Province shall have like Powers, Jurisdictions and Authorities, within the said Counties of *Lancaster* and *York*, as by Law they are vested with, and intitled unto, in the other Counties within the Province aforesaid; and are hereby authorized and impowered, from Time to Time, to deliver the Goals of the said Counties of capital or other Offenders, in like Manner as they are authorized to do in other the Counties aforesaid.

Jurisdiction of the Supreme Court and County Court established.

V. *AND be it further enacted by the Authority aforesaid*, That there shall be a competent Number of Justices nominated and authorized by the Governor for the Time being, by Commissions under the Broad Seal of the Province; which said Justices, or any three of them, shall and may hold Courts of General Quarter Sessions of the Peace and Goal Delivery, and County Courts for holding of Pleas; and shall have all and singular the Powers, Rights, Jurisdictions and Authorities, to all Intents and Purposes, as other the Justices of Courts of General Quarter Sessions, and Justices of the County Courts for holding of Pleas, in the other Counties aforesaid, may, can or ought to have, in their respective Counties; which said Courts shall sit and be held for the said County of *York* on the last Third Day of the Week, commonly called *Tuesday*, in every of the Months called *April*, *July*, *October* and *January*, in every Year, at some proper Place within the said County, until a Court-House shall be built; and when the same is built and erected in the County aforesaid, the said several Courts shall then be holden and kept at the said Court-House, on the Days before-mentioned. And the Election of Representatives to serve in General Assembly, Assessors, and all other Officers of the said County, who are or shall be appointed to be annually elected, shall be made and elected at or near the said Court-House, at the same Time, and in the same Manner, as by the Charter of Privileges, and Laws of the Province aforesaid, is directed to be done in the other Counties within this Province. And it shall be lawful for the Freemen of the said County, for the first Year, to

County Courts established.

choose three Commissioners for raising County Rates and Levies for the said County.

Trustees for
building a
Court-House
and Prison.

VI. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for *Thomas Cox, Michael Tanner, George Swoope, Nathan Hussy*, and *John Wright*, junior, all of the County aforesaid, Yeomen, or any three of them, to purchase and take Assurance to them and their Heirs of a Piece of Land, situate in some convenient Place in the said County, to be approved of by the Governor, in Trust and for the Use of the Inhabitants of the said County, and thereon to erect and build a Court-House and Prison, sufficient to accommodate the public Service of the said County, and for the Ease and Conveniency of the Inhabitants.

Charges
thereof to be
assessed on
the Inhabi-
tants.

VII. *AND be it further enacted by the Authority aforesaid*, That for the defraying the Charges of purchasing the Land, building and erecting the Court-House and Prison aforesaid, it shall and may be lawful to and for the Commissioners and Assessors of the said County, or a Majority of them, to assess and levy, and they are hereby required to assess and levy, so much Money as the said Trustees, or any three of them, shall judge necessary for purchasing the Land, and finishing the said Court-House and Prison. *Provided always*, the Sum of Money, so to be raised, does not exceed *Three Hundred Pounds*, current Money of this Province.

Suits com-
menced in
Lancaster to
be prosecuted
there.

VIII. *PROVIDED also, and be it further enacted by the Authority aforesaid*, That no Action or Suit, now commenced or depending in the County of *Lancaster*, against any Person living within the Bounds of the said County of *York*, or elsewhere, shall be stayed or discontinued by this Act, or by any Thing herein contained; but that the same Actions, already commenced or depending, may be prosecuted, and Judgment thereupon rendered, as if this Act had not been made: And that it shall and may be lawful for the Justices of *Lancaster* County to issue any judicial Process, to be directed to the Sheriff of *Lancaster* County, for carrying on and obtaining the Effect of their Suits; which Sheriff shall be and is hereby obliged to yield Obedience in executing the said Writs, and make due Return thereof before the Justices of the said Court of the said County of *Lancaster*, as if the Parties were living and residing within the same.

Collector of
Excise ap-
pointed.

IX. *AND be it further enacted by the Authority aforesaid*, That *David M^cConaugby*, of the said County of *York*, be, and hereby is appointed, Collector of the Excise of the said County, who is hereby authorized and impowered, by himself or his sufficient Deputy, duly constituted, and for whom he shall be accountable, to demand, collect, receive and recover the Excise, appointed to be paid by any Act and Acts of Assembly of this Province, and also the Arrearages thereof, of and from all and every Person and Persons within the said County, retailing or vending any of the Liquors by the said Acts liable to pay the same; and also to recover and receive all and every the Duties, Fines and Forfeitures, laid or imposed, or that shall happen to arise or become due, for any Thing done contrary to the true Intent and Meaning of the said Acts.

Collector of
York to apply
to the Col-
lector of
Lancaster for
a List.

X. *AND be it further enacted by the Authority aforesaid*, That the said Collector of Excise for the County of *York* aforesaid, the better to enable himself to recover the Arrearages of Excise now due, or which shall become due before the Publication of this Act, shall apply to the Collector of Excise for the County of *Lancaster* for a List, which he is hereby enjoined and required to deliver, containing the Names of each and every Person in Arrear for Excise within the said County of *York*, and how much from each of them.

To give
Bond.

XI. *AND be it further enacted by the Authority aforesaid*, That the Collector of the County of *York* aforesaid, before he enters on the Execution of his said Office, is hereby required to give Bond, with two sufficient Sureties, to the Treasurer of this Province for the Time being, in the Sum of *One Hundred Pounds*, lawful Money of the Province aforesaid, for the faithful Discharge of his Duty, and paying all such Sums of Money, as he shall from Time to Time receive by Virtue of this Act. And further, the Collector of the said County of *York* shall in all Things govern himself, and be subject to the same Regulations, Restrictions, Fines and Forfeitures, and shall observe like Rules, Orders and Directions, as the Collectors of other the Counties aforesaid, by the Laws of this Province, are liable to. And the said Collector, for the Discharge of the
Duty

Duty of his Office within the said County of *York*, shall have and receive like Fees, Perquisites and Rewards, for his Services enjoined by this Act, as other the Collectors aforesaid, *Philadelphia* excepted, by the Acts aforesaid are intituled unto, for the Services enjoined them by the Acts aforesaid.

XII. *AND be it further enacted by the Authority aforesaid*, That until a Sheriff and Coroner shall be chosen in the County of *York*, in Pursuance of this Act, it shall and may be lawful for the Sheriff and Coroner of *Lancaster* to officiate and act in the Discharge of their respective Duties, as fully and amply as they might and ought to have done, if this Act had not been made; one of whom, or his Deputy, shall attend and discharge the Duty of his Office, according to the Laws of this Province, at the next Election at *Lancaster*, and the other of them, or his Deputy, shall attend and discharge the Duty of his Office, in like Manner, at the first Election next to be held in the County of *York* aforesaid, in Pursuance of the Directions of this Act.

Passed August 19, 1749.—Recorded A, Vol. III. p. 177.

C A P. VI.

A Supplement to the Act, intituled, *An Act for imposing a Duty on Persons convicted of heinous Crimes, and to prevent poor and impotent Persons being imported into this Province.*

Passed August 19, 1749.—Recorded A, Vol. III. p. 209.—Repealed by 24 GEO. II.

C A P. VII.

Claufe of an ACT for amending the Laws relating to the Poor.

AND whereas some Doubts have arisen on the Act of Assembly, passed in the Eighth Year of the present Reign, intituled, *A Supplement to the several Acts of Assembly of this Province for the Relief of the Poor*, whether indented healthy Servants, legally imported or brought into the said Province, and coming directly from *Europe*, can by the said Act acquire a legal Settlement within the City of *Philadelphia*, or within any of the Townships aforesaid, although they duly serve therein for the Space of one Year or upwards, within the said City or Townships respectively, unless the Master or Mistress of such Servants, or the Servants themselves, shall give Notice in Writing to the Overseers of the Poor, where they are come to reside: For removing of which Doubts, **BE IT ENACTED** by the Authority aforesaid, That all and every such Servant or Servants, so legally and immediately imported or brought from *Europe* into the City of *Philadelphia*, or any of the Townships aforesaid, and shall duly serve his or her Master or Mistress for the Space of one Year, then, and in every such Case, every such Servant and Servants shall, and are hereby declared to acquire a legal Settlement in the said City or Township, where such Service is performed, without giving any such Notice as is herein before-mentioned, any Thing in the Act of Assembly aforesaid contained to the contrary notwithstanding. But if at any Time afterwards, during the Time for which any such Servant is or shall be bound, his or her Master or Mistress shall sell or assign over the Time of such Servant or Servants to any other Person or Persons, dwelling in any other Township or Place than that wherein such Servant, on their first Importation into the Province aforesaid, were bound or assigned over, every such Master and Mistress, and their Servants, are hereby declared to be within the Meaning of the said Act of Assembly, and shall give the Notice thereby directed, or otherwise shall be liable to the Pains and Penalties therein contained. *

Servants from *Europe* acquire a legal Settlement in the Place where they served one Year.

Of Servants assigned coming in another Township, Notice to be given to the Overseers.

Passed August 19, 1749.—Recorded A, Vol. III. p. 176.

* The Residue of this Act consisting of temporary Provisions, which are supplied by the 11 GEO. III. is omitted, but as the above Clause respects the former Settlements of Servants, and its Use may often occur, it is inserted.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1749, in the Twenty-third Year of GEORGE II. and continued by Adjournments to the Eighteenth Day of *August* following.

C A P. I.

An ACT for erecting Part of the Province of *Pennsylvania*, Westward of *Sasquehanna*, and Northward and Westward of the County of *York*, into a County.

Preamble.

WHEREAS a great Number of the Inhabitants of the Western Part of *Lancaster* County have, by their Petition, humbly represented to the Governor and Assembly of this Province the great Hardships they lie under, by being at so great a Distance from the Borough of *Lancaster*, where the Courts of Justice are held, and the public Offices are kept; and how hard and difficult it is for the sober and quiet Part of the Inhabitants of that Part of the County to secure themselves against Thefts and Abuses, frequently committed amongst them by idle and dissolute Persons, who resort to the remote Parts of the Province, and, by Reason of the great Distance from the Court or Prison, frequently find Means of making their Escapes. For remedying of which Inconveniencies, and Relief of the Inhabitants in the Premises, BE IT ENACTED by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all and singular the Lands lying within the Province of *Pennsylvania* aforesaid, to the Westward of *Sasquehanna*, and Northward and Westward of the County of *York*, be and hereby are erected into a County, named, and hereafter to be called, *CUMBERLAND*; bounded Northward and Westward with the Line of the Province, Eastward partly with the River *Sasquehanna*, and partly with the said County of *York*, and Southward in Part by the said County of *York*, and Part by the Line dividing the said Province from that of *Maryland*.

Boundaries of the County of *Cumberland*.

II. *AND* be it further enacted by the Authority aforesaid, That the Inhabitants of the said County shall, at all Times hereafter, have and enjoy all and singular the Jurisdictions, Powers, Rights, Liberties and Privileges whatsoever, which the Inhabitants of any other County within the said Province do, may, or ought to enjoy, by any Charter of Privileges, or the Laws of this Province, or by any other Ways or Means whatsoever, excepting only in the Number of Representatives to serve in General Assembly of this Province; in which Case it is Provided and further enacted by the Authority aforesaid, That until it shall be otherwise ordered by the Governor and Assembly of this Province, the Freemen and Inhabitants of the said County, qualified by the Laws of this Province to elect, shall annually meet at or near the Place where the Court-House is intended to be built for the said County, at the same Time the Inhabitants of the other Counties of this Province shall meet for like Purposes, and there proceed to choose Inspectors, and to elect two Representatives, or Delegates, to serve them in Assembly, in the same Manner as by the Charter and Laws of this Province is directed in respect to other Counties; which said two Representatives, when so chosen,

The Inhabitants thereof to elect two Representatives in Assembly.

chosen, shall be Members of the General Assembly of the Province of *Pennsylvania*, and sit and act as such, as fully and freely as any of the Representatives for the other Counties within this Province do, may, can or ought to do.

III. *AND be it further enacted by the Authority aforesaid*, That all Taxes already laid within the Bounds of the said County of *Cumberland*, by Virtue of any Act of General Assembly of this Province, which are not already paid, shall be collected by the respective Collectors within the Bounds aforesaid, and paid into the Hands of the Treasurer of *Lancaster* County; and that all Persons concerned in the levying, receiving and paying the said Taxes, shall have the same Power and Authority, and be under the same Penalties and Restrictions, for collecting and paying the same, as by the said Acts, by which the said Taxes were assessed, are expressed and directed, until the whole be collected and paid as aforesaid.

IV. *AND be it further enacted by the Authority aforesaid*, That the Justices of the Supreme Court of this Province shall have like Powers, Jurisdictions and Authorities, within the said County of *Cumberland*, as by Law they are vested with, and intitled unto, in the other Counties within the Province aforesaid; and are hereby authorized and impowered, from Time to Time, to deliver the Goal of the said County of capital or other Offenders, in like Manner as they are authorized to do in other the Counties aforesaid.

Jurisdiction
of the Su-
preme Court,

V. *AND be it further enacted by the Authority aforesaid*, That there shall be a competent Number of Justices nominated and authorized by the Governor for the Time being, by Commissions under the Broad Seal of the Province; which said Justices, or any three of them, shall and may hold Courts of General Quarter Sessions of the Peace and Goal Delivery, and County Courts for holding of Pleas; and shall have all and singular the Powers, Rights, Jurisdictions and Authorities, to all Intents and Purposes, as other the Justices of Courts of General Quarter Sessions, and Justices of the County Courts for holding of Pleas, in the other Counties aforesaid, may, can or ought to have in their respective Counties; which said Courts shall sit and be held for the said County of *Cumberland* on the Third Day of the Week, commonly called *Tuesday*, next preceding the Courts held for the County of *York*, in the Months called *April*, *July*, *October* and *January*, in every Year, at some proper Place within the said County, until a Court-House shall be built; and when the same is built and erected in the County aforesaid, the said several Courts shall then be holden and kept at the said Court-House, on the Days before-mentioned. And the Election of Representatives to serve in General Assembly, Assessors, and all other Officers of the said County, who are or shall be appointed to be annually elected, shall be made and elected at or near the said Court-House, at the same Time, and in the same Manner, as by the Charter of Privileges, and Laws of the Province aforesaid, is directed to be done in the other Counties within this Province. And it shall be lawful for the Freemen of the said County, for the first Year, to choose three Commissioners for raising County Rates and Levies for the said County.

and County
Courts esta-
blished.

VI. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for *Robert M'Coy*, *Benjamin Chambers*, *David Magaw*, *James M'Entire*, and *John M'Cormick*, all of the County aforesaid, Yeomen, or any three of them, to purchase and take Assurance to them and their Heirs of a Piece of Land, situate in some convenient Place in the said County, to be approved of by the Governor, in Trust and for the Use of the Inhabitants of the said County, and thereon to erect and build a Court-House and Prison, sufficient to accommodate the public Service of the said County, and for the Ease and Conveniency of the Inhabitants.

Trustees for
building a
Court-House
and Prison.

VII. *AND be it further enacted by the Authority aforesaid*, That for the defraying the Charges of purchasing the Land, building and erecting the Court-House and Prison aforesaid, it shall and may be lawful to and for the Commissioners and Assessors of the said County, or a Majority of them, to assess and levy, and they are hereby required to assess and levy, so much Money as the said Trustees, or any three of them, shall judge necessary for purchasing the Land, and finishing the said Court-House and Prison. *Provided always*, the Sum of Money, so to be raised, doth not exceed *Three Hundred Pounds*, current Money of this Province.

Charges
thereof to be
assessed on
the Inhabi-
tants.

Suits commenced in *Lancaster* to be prosecuted there.

VIII. *PROVIDED also, and be it further enacted by the Authority aforesaid*, That no Action or Suit, now commenced or depending in the County of *Lancaster*, against any Person living within the Bounds of the said County of *Cumberland*, or elsewhere, shall be stayed or discontinued by this Act, or by any Thing herein contained; but that the same Actions, already commenced or depending, may be prosecuted, and Judgment thereupon rendered, as if this Act had not been made: And that it shall and may be lawful for the Justices of *Lancaster* County to issue any judicial Process, to be directed to the Sheriff of *Lancaster* County, for carrying on and obtaining the Effect of their Suits; which Sheriff shall be and is hereby obliged to yield Obedience in executing the said Writs, and make due Return thereof before the Justices of the said Court of the said County of *Lancaster*, as if the Parties were living and residing within the same.

Collector of Excise appointed.

IX. *AND be it further enacted by the Authority aforesaid*, That *Benjamin Chambers*, of the said County of *Cumberland*, be, and hereby is appointed, Collector of the Excise of the said County, who is hereby authorized and impowered, by himself or his sufficient Deputy, duly constituted, and for whom he shall be accountable, to demand, collect, receive and recover the Excise, appointed to be paid by any Act or Acts of Assembly of this Province, and also the Arrearages thereof, of and from all and every Person and Persons within the said County, retailing or vending any of the Liquors by the said Acts liable to pay the same; and also to recover and receive all and every the Duties, Fines and Forfeitures, laid or imposed, or that shall happen to arise or become due, for any Thing done contrary to the true Intent and Meaning of the said Acts.

Collector of *Cumberland* to apply to the Collector of *Lancaster* for a List.

X. *AND be it further enacted by the Authority aforesaid*, That the said Collector of Excise for the County of *Cumberland* aforesaid, the better to enable himself to recover the Arrearages of Excise now due, or which shall become due before the Publication of this Act, shall apply to the Collector of Excise for the County of *Lancaster* for a List, which he is hereby enjoined and required to deliver, containing the Names of each and every Person in Arrear for Excise within the said County of *Cumberland*, and how much from each of them.

To give Bond.

XI. *AND be it further enacted by the Authority aforesaid*, That the Collector of the County of *Cumberland* aforesaid, before he enters on the Execution of his said Office, is hereby required to give Bond, with two sufficient Sureties, to the Treasurer of this Province for the Time being, in the Sum of *One Hundred Pounds*, lawful Money of the Province aforesaid, for the faithful Discharge of his Duty, and paying all such Sums of Money, as he shall from Time to Time receive by Virtue of this Act. And further, the Collector of the said County of *Cumberland* shall in all Things govern himself, and be subject to the same Regulations, Restrictions, Fines and Forfeitures, and shall observe like Rules, Orders and Directions, as the Collectors of other the Counties aforesaid, by the Laws of this Province, are liable to. And the said Collector, for the Discharge of the Duty of his Office within the said County of *Cumberland*, shall have and receive like Fees, Perquisites and Rewards, for his Services enjoined by this Act, as other the Collectors aforesaid, *Philadelphia* excepted, by the Acts aforesaid are intitled unto, for the Services enjoined them by the Acts aforesaid.

Officers of *Lancaster* to officiate until, &c.

XII. *AND be it further enacted by the Authority aforesaid*, That until a Sheriff and Coroner shall be chosen in the County of *Cumberland*, in Pursuance of this Act, it shall and may be lawful for the Sheriff and Coroner of *Lancaster* to officiate and act in the Discharge of their respective Duties, as fully and amply as they might and ought to have done, if this Act had not been made; one of whom, or his Deputy, shall attend and discharge the Duty of his Office, according to the Laws of this Province, at the next Election at *Lancaster*, and the other of them, or his Deputy, shall attend and discharge the Duty of his Office, in like Manner, at the first Election next to be held in the County of *Cumberland* aforesaid, in Pursuance of the Directions of this Act.

XIII. *AND*, to the End the Boundaries of the said Counties of *York* and *Cumberland* may be the better ascertained and known, *Be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for the Trustees named in this Act, and the Act of Assembly by which the said County of *York* was erected into a County, or to and for a Majority of each of them, and they are hereby required and firmly enjoined, within the Space of Six Months next after the

the Publication of this Act, to assemble themselves together, and, with the Assistance of one or more Surveyors, by them respectively to be provided, to run, mark out and distinguish, the Boundary Line between the said Counties of *York* and *Cumberland*: And the Charges to arise for the doing thereof shall be defrayed equally between the Inhabitants of the said Counties, and to that End levied and raised by the said Inhabitants, in such Manner as other public Money, for the Use of the said Counties, by Law ought to be raised and levied.

Passed January 27, 1749-50.—Recorded A, Vol. III. p. 213.

C A P. II.

An ACT for the prohibiting the Importation of *Germans*, or other Passengers, in too great Numbers in any one Vessel.

WHEREAS it hath been too frequently practised by Masters and Owners of Vessels, trading within this Province, to import so great a Number of *Germans*, or other Passengers, in one Vessel, that, through Want of necessary Room and Accommodations, they have often contracted mortal and contagious Distempers, and thereby have occasioned not only the Death of great Numbers of such Passengers in their Passage, but also by these Means have so infected those who survived, as on their Arrival into this Province they have spread the Contagion, and been the Cause of the Death of many of the Inhabitants: To the End therefore that the like evil Practices may be prevented, and Inconveniencies thence arising avoided as much as may be for the future, BE IT ENACTED by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent* and *Suffex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That from and after the Publication of this Act, no Master or Commander of any Ship or other Vessel whatsoever, bound to the Port of *Philadelphia*, or elsewhere within this Province, shall import into the River *Delaware*, or into any Port within the Province of *Pennsylvania*, any greater Number of Passengers in any one Ship or other Vessel, than such only as shall be well provided with good and wholesome Meat, Drink, and other Necessaries for Passengers and others, during the whole Voyage; and shall have Room therein to contain for single Freight, or Passengers of the Age of Fourteen Years or upwards, at least six Feet in Length, and one Foot six Inches in Breadth; and if under the Age aforesaid, to contain the same Length and Breadth for every two such Passengers. And if any Master or Commander of any Ship or Vessel, against the Tenor of this Act, shall import into this Province any one, or a greater Number of Passengers, not accommodated or provided during his Voyage with good and wholesome Meat, Drink, Room, and other Necessaries as aforesaid, such Master or Commander shall forfeit and pay for every Passenger, imported into this Province, the Sum of *Ten Pounds*, to be recovered by Action of Debt, with full Costs of Suit, in any Court of Record within this Province; the one Half of the said Forfeiture to any one, who will sue for the same to Effect, and the other Half to the Trustees of *Province-Island*, to be applied towards the Payment of the Expences, which shall arise by the placing of sick Passengers or others there; provided such Action shall be commenced within the Space of one Month, next after any such Offence shall be committed; or the Delinquent may be indicted for the same, in the next Quarter Sessions of the Peace of the County where the Offence shall be committed, and, on due Conviction, be fined at the Discretion of the Court in any Sum, not exceeding *Ten Pounds*, for each Passenger exceeding the Number by this Act allowed to be imported as aforesaid.

II. AND, to the End this Act, and the Provisions herein made, may be the more punctually observed, Be it further enacted by the Authority aforesaid, That the Officer appointed for collecting of the Duties to arise by the Act, intituled, *An Act for imposing Duties on Persons convicted of heinous Crimes*, &c. or his Deputy, in going on board any Ship or other Vessel importing of Passengers, either by his or their View, or otherwise, shall and is hereby required to inform himself

Trustees, &c.
to mark out
the Boundary
Line betwixt
York and
Cumberland.

Preamble.

Passengers to
be provided
with Meat,
Drink, &c.
and sufficient
Room.

Penalty on
Failure.

Duty of the
Officer.

himself of the Condition and Circumstances of the Passengers on board, and whether they have been provided for, and accommodated with the Provisions, Room, and other Necessaries herein directed; and where at any Time a Deficiency shall appear to him, or any of them, he or they shall forthwith give Notice of the same to the Mayor or Recorder, or any one of the Aldermen, of the City of *Philadelphia*, or to some one or more of the Justices of the Peace of the County where the Offence is committed, to the End the Person or Persons delinquent may be sent for, and bound over to the next General Quarter Sessions of the Peace, then and there to answer the Premises, as is herein directed and enacted.

Captain to exhibit to the Register-General Inventories of the Goods of deceased Passengers.

III. *AND be it further enacted by the Authority aforesaid*, That every Master or Commander of any Ship or other Vessel, importing any Passenger or Passengers to be landed within this Province, who, in their Passage hither, or soon after, may happen to die, leaving Goods, Chattels, Money, or other Effects on board, or in the Hands or Custody of any such Master or Commander, every such Master or Commander, within the Space of Twenty Days next after his Arrival, or after the Decease of every such Passenger, shall exhibit to the Register-General, or to some one of his Deputies of the County where such Effects shall lay, a true and perfect Inventory of all such Goods, Chattels, Money and other Effects, to the End that, after Payment of all just Demands which shall be due to the said Master, Commander, or to his or their Owner or Owners, the Remainder of the said Goods or Effects may be committed to the Custody of some proper Person or Persons, for the Benefit of the Wife or Children, next of Kin, or Creditors of the Deceased, as the Case may require, and the Law in such Case shall direct.

Penalty on Neglect.

IV. *AND be it further enacted by the Authority aforesaid*, That if any such Master or Commander of any such Ship or other Vessel shall neglect or refuse to exhibit a true and perfect Inventory of the Goods and Effects of any such Passenger or Passengers so dying as aforesaid, every such Master or Commander shall forfeit and pay the Sum of *One Hundred Pounds*, to be recovered and applied as aforesaid.

Passed January 27, 1749-50.—Recorded A, Vol. III. p. 218.

C A P. III.

An ACT for amending of the Act, intituled, *An Act to encourage the killing of Squirrels within this Province.*

Passed January 27, 1749-50.—Recorded A, Vol. III. p. 224.—Expired.

C A P. IV.

An ACT for amending the Laws of this Province against killing of Deer out of Season.

Passed January 27, 1749-50.—Recorded A, Vol. III. p. 221.—Repealed by 33 GEO. II.

C A P. V.

An ACT for barring Estates Tail.

Preamble.

FORASMUCH as the intailing of Estates within this Province, without a Provision by Law for barring them, would introduce Perpetuities, prevent the Improvement of such Estates, disable Tenants in Tail to make Provision for the younger Branches of their Families, prove of general Detriment to the Province, and be attended with manifold Inconveniencies. For preventing whereof for the future, BE IT ENACTED by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and the Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, and it is hereby enacted, That Fines and common Recoveries heretofore levied and suffered within the Province of *Pennsylvania*, or which shall at any Time or Times hereafter be levied or suffered within the said Province duly, and according to the Common or Statute Laws of *England*, either in the Supreme Court of Judi-

Fines and Recoveries heretofore and hereafter suffered, to be valid.

cature

cature within the said Province, or in any of the County Courts for holding of Pleas within the said Province respectively, in which the Houses, Lands, Tenements or Hereditaments intailed, do or shall lay, shall be and are hereby declared to be of like Force and Effect, to all Intents, Constructions and Purposes, for barring Estates so intailed, as Fines and common Recoveries, by the Laws of *England* aforesaid there levied or suffered, of Lands, Tenements and Estates, intailed within that Realm, are received, declared, or enacted to be.

II. *PROVIDED* always, That it shall and may be lawful for any Person ^{Remedy by} or Persons, either by Appeal or Writ of Error, as the Case may require, to seek ^{Writ of Error.} and obtain Redress against any Error or Errors which have happened, or may happen, in any such Proceedings.

Passed *January* 27, 1749-50.—Recorded A, Vol. III. p. 223.

C A P. VI.

An ACT for the Continuance of an Act of Assembly of this Province, intituled, *An Act for the more easy Recovery of Legacies within this Province.*

Passed *January* 27, 1749-50.—Recorded A, Vol. III. p. 225.—Expired.

C A P. VII.

An ACT for the Continuance of an Act of Assembly of this Province, intituled, *A Supplementary Act to the Act, intituled, An Act for preventing the Exportation of Bread and Flour not merchantable, and for the new Appointment of Officers to put the said Law in Execution.*

Passed *August* 18, 1750.—Recorded A, Vol. III. p. 211.—Expired.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1750, in the Twenty-fourth Year of GEORGE II. and continued by Adjournments to the Twenty-fourth Day of *August* following.

C A P. I.

An ACT for explaining and ascertaining the Boundary Line between the Counties of *York* and *Cumberland*, in the Province of *Pennsylvania*.

WHEREAS by an Act of General Assembly of this Province, intituled, ^{Preamble.} *An Act for erecting Part of the Province of Pennsylvania, Westward of Sasquehanna, and South-Eastward of the South Mountain, into a County*, passed in the Twenty-third Year of the present Reign, it was enacted, That all and singular the Lands lying within the Province of *Pennsylvania* aforesaid, to the Westward of the River *Sasquehanna*, and Southward and Eastward of the *South Mountain*, should be erected into a County, and the same were thereby erected into a County, by the Name of *YORK*; bounded Northward and Westward by a Line, to be run from the said River *Sasquehanna* along the Ridge of the said *South Mountain*, until it shall intersect the *Maryland* Line, Southward by the said *Maryland* Line, and Eastward by the said River *Sasquehanna*. And whereas by a subsequent Act of General Assembly of this Province, passed in the same Year of the present Reign, intituled, *An Act for erecting Part of the Province of Pennsylvania, Westward of Sasquehanna, and Northward and Westward of the County of York, into a County*, it was enacted, That all and singular the Lands lying within the Province of *Pennsylvania* aforesaid, to the Westward of *Sasquehanna*, and Northward and Westward of the County of *York*, should be, and thereby were erected into a County, by the Name of *CUMBERLAND*; bounded Northward and Westward with the Line of the Province, Eastward,

partly with the River *Sasquehanna*, and partly with the said County of *York*, and Southward in Part by the said County of *York*, and Part by the Line dividing the said Province from that of *Maryland*. And whereas, to the End the Counties of *York* and *Cumberland* might be the better ascertained and known, it was by the said last mentioned Act of Assembly further enacted, That it should be lawful for the Trustees named in the said Act, and the Act of Assembly by which the County of *York* was erected into a County, or for a Majority of each of them, and they were thereby required and firmly enjoined, within the Space of six Months next after the Publication of the said Act, to assemble themselves together, and, with the Assistance of one or more Surveyors, by them respectively to be provided, to run, mark out and distinguish, the Boundary Line between the said Counties of *York* and *Cumberland*. But forasmuch as the Ridge of Mountains, called the *South Mountain*, along which the Lines, dividing the said Counties of *York* and *Cumberland*, were directed to be run by the several herein before mentioned Acts, from the River *Sasquehanna* to the Mouth of a Run of Water, called *Dogwood Run*, is discontinued, much broken, and not easily to be distinguished, whereby great Differences have arisen between the Trustees of the said Counties, concerning the Manner of running the said Line; by which Means the Boundaries of the said Counties, between the River *Sasquehanna* and the Mouth of the aforesaid Run of Water, called *Dogwood Run*, are altogether unsettled, and so likely to continue, to the great Injury of the said Counties, and to the frustrating the good Purposes by the herein before mentioned Acts of Assembly intended: For preventing whereof, and to the End the Boundaries between the said Counties of *York* and *Cumberland* may be certainly known, BE IT ENACTED by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, and it is hereby enacted, That the Creek, called *Yellow-breeches Creek*, from the Mouth thereof, where it empties itself into the River *Sasquehanna* aforesaid, up the several Courses thereof, to the Mouth of a Run of Water, called *Dogwood Run*, and from thence on one continued straight Line, to be run to the Ridge of Mountains, called the *South Mountain*, and from thence along the Ridge of the said *South Mountain*, until it intersect the *Maryland* Line, shall be, and is hereby declared to be, the Boundary Line between the said Counties of *York* and *Cumberland*.

The Division
Line of the
two Counties
described.

Trustees to
run the Line
within four
Months.

Penalty on
Failure.

II. *AND* be it further enacted by the Authority aforesaid, That the Trustees in the before mentioned Acts named and appointed, or a Majority of the Trustees mentioned in each of the said Acts, shall, within the Space of four Months next after the Publication of this Act, assemble themselves together, and, with the Assistance of one or more Surveyors, by the said Counties to be respectively provided, run, mark out and distinguish, the Boundary Line aforesaid, or so much thereof as shall be necessary, *to wit*; from the Mouth of *Dogwood Run* aforesaid to the nearest Part of the Ridge of the *South Mountain* aforesaid, and from thence along the Ridge of the said Mountain, until it shall intersect the *Maryland* Line, under the Penalty of *Fifty Pounds*, to be levied by Distress and Sale of the Goods of the said Trustees refusing or neglecting the Service aforesaid, to be respectively paid by the Trustees of the County so neglecting or refusing to assemble, and run and mark out the Boundary Lines, as by this Act is enjoined and required; one Half thereof to be paid to the Trustees, who shall attend the Service enjoined by this Act, for the Use of the County for which they are respectively named and appointed Trustees; and the other Half to such Person or Persons as will sue for the same, to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no *Essoin*, Protection or Wager of Law, shall be allowed to the Defendants.

III. *PROVIDED*, That nothing herein contained shall be deemed or taken to disannul or make void the said recited Acts, or any Thing therein contained; but that every Clause, Article and Sentence therein, except what is hereby altered or supplied, shall be and remain in full Force and Virtue.

Passed February 9, 1750-51.—Recorded A, Vol. III. p. 224.

C A P.

C A P. II.

An A C T for the more effectual preventing Accidents which may happen by Fire, and for suppressing Idleness, Drunkenness, and other Debaucheries.

TO the End the Provisions already made by our Laws for preventing Accidents which may happen by Fire in the City of *Philadelphia*, and several other Boroughs and Towns within this Province, may be made more generally useful, and to prevent, as much as in us lies, the growing Sins of Idleness, Drunkenness, and other Debaucheries, too frequent among us, **B E I T E N - A C T E D** by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Person or Persons whatsoever within any County Town, or within any other Town or Borough in this Province, already built and settled, or hereafter to be built and settled, not hitherto restricted nor provided for by our Laws, shall set on Fire their Chimnies to cleanse them, or shall suffer them or any of them to take Fire, and blaze out at the Top, or shall fire any Gun or other Fire-arm, or shall make, or cause to be made, or sell or utter, or offer to expose to Sale, any Squibs, Rockets or other Fire-works, or shall cast, throw or fire any Squibs, Rockets or other Fire-works, within any of the said Towns or Boroughs, without the Governor's special Licence for the same, every such Person or Persons, so offending, shall be subject to the like Penalties and Forfeitures, and to be recovered in like Manner, as in and by an Act, passed in the Eighth Year of the Reign of King GEORGE the First, intituled, *An Act for preventing Accidents that may happen by Fire*, are directed to be levied and recovered.

Preamble.
7 GEO. I.

Former Laws
against firing
Chimnies,
Guns, Fire-
works, &c.
extended.

II. **A N D** for preventing Idleness, Drunkenness and other Mischiefs, that may and frequently do happen, by Numbers of idle or vicious Persons meeting together at or near Public-houses or Dram-shops, under Pretence of Horse-races, Shooting-matches, or other idle Sports, *Be it further enacted by the Authority aforesaid*, That if any public House-keeper, or other Retailer of strong Liquors within this Province, shall promote or encourage any such Horse-races, Shooting-matches, or other idle Sports, or shall sell any Wine, Rum, Beer, Cyder, or other strong Liquors whatsoever, to any such Persons so assembled on Pretence of Horse-races, Shooting-matches, or any other unlawful Sports or Games, he, she or they, shall forfeit and pay the Sum of *Forty Shillings* for the first Offence, and for the second Offence the Sum of *Three Pounds*, and be suppressed by the Justices of the respective County Courts to which he, she or they may belong.

Penalty on
Public
House-keep-
ers promot-
ing Horse-
races and
Shooting-
matches.

III. *A N D be it likewise further enacted by the Authority aforesaid*, That if any Person or Persons whatsoever shall enter, start or run any Horse, Mare or Gelding, or shall promote or be concerned in any Shooting-match for any Plate, Prize, Sum of Money, or other Thing of Value whatsoever, or shall make, print, publish or proclaim any Advertisement or Notice of any Plate, Prize, Sum of Money, or other Thing of Value, to be run for by any Horse, Mare or Gelding, or to be shot for by any Person or Persons whatsoever, without the Governor's special Licence for the same, he, she or they, shall forfeit and pay the Sum of *Three Pounds* for the first Offence, and of *Five Pounds* for the second and every other Offence. And if such Offender be a Servant, or *Negro*, or *Indian* Slave, he, she or they, shall be whipped on the bare Back with Fifteen Lashes, and confined six Days at hard Labour in the County Work-House for the first Offence; and for the second, and every other Offence, shall be in like Manner whipped Twenty-one Lashes, and confined ten Days.

On other
Persons con-
cerned
therein.

IV. **A N D** forasmuch as a pernicious Custom hath prevailed in many Places of giving Rum, and other strong Liquors, to excite such as bid at Vendues to advance the Price, which, besides the Injustice of the Artifice, leads to great Intemperance and Disorders, *Be it therefore enacted by the Authority aforesaid*,
That

On Persons
providing
strong Drink
at Vendues.

That if any Person or Persons whatsoever shall, from and after Forty Days after the Publication of this Act, give or sell any Rum, Wine, or other strong Liquors, at the Time of any such Vendue, to any Person or Persons attending the same, he, she or they, so selling or giving any Liquors, shall forfeit and pay for the first Offence the Sum of *Four Pounds*, and for the second, and every other Offence, the Sum of *Five Pounds*.

Fines how
to be dis-
posed.

V. *AND be it likewise enacted by the Authority aforesaid*, That every of the Fines and Forfeitures, accruing or becoming due for Offences against this Act, shall be paid one Half to the Overseer or Overseers of the Poor, for the Use of the Poor of the Township within which such Offence may be committed, and the other Half to the Use of him or them, who shall inform or sue for the same before any Justice of the Peace of this Province, who is hereby empowered and authorized to hear and determine the same, and to convict the Offender or Offenders, either on his own View, or by the legal Testimony of one or more Witnesses: Saving to every such Offender or Offenders the Right of Appeal, in like Manner as is provided in and by an Act, passed in the Nineteenth Year of the present Reign, intituled, *An Act for the more easy and speedy Recovery of small Debts*; which Fines and Forfeitures shall be recovered by Distress and Sale of the Offender's Goods, or for Want of such Distress, if the Offender refuses to pay, he, she or they, shall be committed to Prison for every such Fine, where the same is *Twenty Shillings*, the Space of Eight Days, without Bail or Main-prize, and so in Proportion for any of the greater Fines.

Limitation.

VI. *PROVIDED*, That every such Conviction be made within one Month after such Offence or Offences committed.

Passed February 9, 1750-51.—Recorded A, Vol. III. p. 240.

C A P. III.

An ACT for the better regulating the nightly Watch within the City of *Philadelphia*, and for enlightening the Streets, Lanes and Alleys of the said City, and for raising of Money on the Inhabitants of the said City, for defraying the necessary Expence thereof.

Passed February 9, 1750-51.—Recorded A, Vol. III. p. 226.—Expired.

C A P. IV.

An ACT to encourage the establishing of an Hospital for the Relief of the sick Poor of this Province, and for the Reception and Cure of Lunaticks.

Preamble.

WHEREAS the saving and restoring useful and laborious Members to a Community is a Work of public Service, and the Relief of the sick Poor is not only an Act of Humanity, but a religious Duty: And whereas there are frequently in many Parts of this Province poor distempered Persons, who languish long in Pain and Misery, under various Disorders of Body and Mind, and being scattered abroad in different and very distant Habitations, cannot have the Benefit of regular Advice, Attendance, Lodging, Diet and Medicines, but at a great Expence, and therefore often suffer for Want thereof; which Inconveniency might be happily removed by collecting the Patients into one common Provincial Hospital, properly disposed and appointed, where they may be comfortably subsisted, and their Health taken Care of, at a small Charge, and where, by the Blessing of God on the Endeavours of skilful Physicians and Surgeons, their Diseases may be cured and removed. And whereas it is represented to this Assembly, that there is a charitable Disposition in divers Inhabitants of this Province to contribute largely towards so good a Work, if such Contributors might be incorporated with proper Powers and Privileges for carrying on and compleating the same, and some Part of the public Money given and appropriated to the providing a suitable Building for the Purposes aforesaid; Therefore, for the Encouragement of so useful, pious and charitable a Design, we pray that it may be enacted, *AND BE IT ENACTED* by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*,
and

and Counties of *New-Castle, Kent and Suffex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That it shall and may be lawful to and for all Persons, each of whom shall have contributed or subscribed the Sum of *Ten Pounds*, or more, towards founding and establishing an Hospital, for the Reception and Relief of Lunatics, and other distempered and sick Poor within this Province, or as many of them as shall think fit, to assemble and meet on the First Day of the Month called *July* next; and for all Persons, who shall thereafter contribute the like Sum of *Ten Pounds*, or more, together with the said first Subscribers, or so many of them as shall think fit, to assemble and meet on the Second Day of the first Week in the Month called *May* yearly, for ever, at some convenient Place in the City of *Philadelphia*, then and there to elect by Ballot Twelve fit and suitable Persons, of their own Number, to be Managers of the said Contribution and Hospital, and one other Person to be Treasurer of the same, until the next Election; and farther, to make such Laws, Rules and Orders, as shall appear to them the said Contributors met, or the major Part of them, to be good, useful and necessary, for the well governing, ordering and regulating the said Hospital, and for the Regulation of the future Elections of Managers, Treasurer, and other necessary Officers and Ministers thereof, and for limiting and appointing their Number, Trust and Authority; and generally for the well ordering all other Things concerning the Government, Estate, Goods, Lands, Revenues, as also all the Business and Affairs of the said Hospital: All which Laws, Rules and Orders, so to be made as aforesaid, shall be from Time to Time inviolably observed by all concerned, according to the Tenor and Effect of them, provided they be not repugnant to the Laws of *England*, or this Government, and are approved by the Chief Justice, the Speaker of the Assembly, and the Attorney-General of this Province for the Time being, under their Hands and Seals. And the said Contributors shall be, and are hereby made a Body Corporate in Law, to all Intents and Purposes, and shall have perpetual Succession, and may sue or be sued, plead or be impleaded, by the Name of *The Contributors to the Pennsylvania Hospital*, in all Courts of Judicature within this Province; and by that Name, shall and may receive and take any Lands, Tenements or Hereditaments, not exceeding the yearly Value of *One Thousand Pounds*, of the Gift, Alienation, Bequest or Devise of any Person or Persons whomsoever, and of any Goods or Chattels whatsoever; and the said Contributors are hereby impowered to have and use one common Seal in their Affairs, and the same at their Pleasure to change and alter.

Persons contributing *Ten Pounds*, to meet yearly,

and to elect Managers, &c. and make Laws, &c.

to be approved, &c.

Contributors made a Corporation,

Limitation of their Estate.

II. *PROVIDED nevertheless*, That no General Meeting of the said Contributors, nor any Persons acting under them, shall employ any Money, or other Estate, expressly given or added to the Capital Stock of the said Hospital, in any other Way than by applying its annual Interest or Rent towards the Entertainment and Care of the sick and distempered Poor, that shall be from Time to Time brought and placed therein, for the Cure of their Diseases, from any Part of this Province, without Partiality or Preference.

Money given to the Capital Stock not to be expended.

III. *AND* for the farther Encouragement of this beneficent Undertaking, *Be it enacted by the Authority aforesaid*, That when the said Contributors shall have met, and chosen their Managers and Treasurer as aforesaid, and shall have raised, by their Contributions, a Capital Stock of *Two Thousand Pounds* Value, (the yearly Interest or Rent of which is to be applied to the accommodating of the sick Poor in the said Hospital, free of Charge for Diet, Attendance, Advice and Medicines) and shall make the same appear to the Satisfaction of the Speaker of the Assembly for the Time being, that then it shall and may be lawful for the said Speaker of the Assembly, and he is hereby required, to sign an Order or Orders on the Provincial Treasurer, or Trustees of the Loan-Office, for the Payment of *Two Thousand Pounds*, in two yearly Payments, to the Treasurer of the said Hospital, to be applied to the founding, building and furnishing of the same.

Two Thousand Pounds expectant given to the Use of the Hospital.

IV. *AND be it further enacted by the Authority aforesaid*, That the Accounts of the Disbursements of the said *Two Thousand Pounds*, so ordered by the Speaker of the Assembly aforesaid, or any Part thereof that shall be hereafter expended, as the Case may be, and of the Rents, Products and Interests of any real or personal Estates or Sums of Money, charitably given to the Use of the

Accounts to be published in the *Gazette* yearly.

said Hospital, together with a List of such Donations, shall be fairly drawn out and published annually in the *Gazette* or other News-papers: And the Managers of the said Hospital shall, at all Times when required, submit the Books, Accounts, Affairs and Oeconomy thereof, to the Inspection and free Examination of such Visitors as may from Time to Time be appointed by the Assembly of this Province to visit and inspect the same.

Proviso.

V. *PROVIDED* always, and it is hereby further enacted by the Authority aforesaid, That if at any Time hereafter there should not be a constant Succession of Contributors to meet yearly, and choose Managers as aforesaid, then the said Hospital, and the Estate and Affairs thereof, shall be in the Management and under the Direction of such Persons, as shall be from Time to Time appointed by Act of General Assembly of this Province for that Purpose.

Passed May 11, 1751.—Recorded A, Vol. III. p. 245.

C A P. V.

An ACT for repealing an Act, intituled, *A Supplement to the Act, intituled, An Act for imposing a Duty on Persons convicted of heinous Crimes, and to prevent poor and impotent Persons being imported into this Province.*

BE IT ENACTED by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and the Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That an Act of the General Assembly of this Province, passed in the Twenty-third Year of the Reign of the present King, intituled, *A Supplement to the Act, intituled, An Act for imposing a Duty on Persons convicted of heinous Crimes, and to prevent poor and impotent Persons being imported into this Province*, and every Clause, Matter and Thing therein contained, shall be, and is hereby repealed, utterly made null and void.

Passed August 24, 1751.—Recorded A, Vol. III. p. 248.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1751, in the Twenty-fifth Year of GEORGE II. and continued by Adjournments to the Eighteenth Day of *August* following.

C A P. I.

An ACT for erecting Part of the Counties of *Philadelphia*, *Chester* and *Lancaster*, into a separate County.

Preamble.

WHEREAS a great Number of the back Inhabitants of the County of *Philadelphia*, and the adjacent Parts of the Counties of *Chester* and *Lancaster*, by their Petition, have humbly represented to the Governor and Assembly of this Province their remote Situation from their respective County Towns, where the Courts of Justice, and public Offices are kept, whereby they are frequently put to extraordinary Expence of Money, and Loss of Time, in their long Journeys thither, as Parties in Causes, Witnesses, Jurymen, &c. For remedying which Inconveniencies, and Relief of the Inhabitants in those remote Parts in the Premises; BE IT ENACTED by the Honourable JAMES HAMILTON, Esq;

Lieu-

Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all and singular the Lands, lying within the Province of *Pennsylvania* aforesaid, within the Metes and Bounds as is herein after described, be erected into a County, and the same are hereby erected into a County, named, and henceforth to be called, *BERKS*; bounded as follows, by a Line, at the Distance of Ten superficial Miles South-west from the Western Bank of the River *Schuylkill*, opposite to the Mouth of a Creek, called *Monocasy*, to be run North-west to the Extremity of the Province, and South-east, until it shall intersect the Line of *Chester* County, then on one straight Line, crossing the River *Schuylkill* aforesaid, to the Upper or North-westward Line of *McCall's* Manor, then along the said Line to the Extremity thereof, and continuing the same Course, to the Line dividing *Philadelphia* and *Bucks* Counties, then along the said Line North-west, to the Extent of the County aforesaid.

Boundaries
of the County
of *Berks*.

II. *AND be it further enacted by the Authority aforesaid*, That the Inhabitants of the said County shall, at all Times hereafter, have and enjoy all and singular the Jurisdictions, Powers, Rights, Liberties and Privileges whatsoever, which the Inhabitants of any other County within the said Province do, may, or ought to enjoy, by any Charter of Privileges, or the Laws of this Province, or by any other Ways or Means whatsoever, excepting only in the Number of Representatives to serve in General Assembly of this Province; in which Case it is *Provided and further enacted by the Authority aforesaid*, That until it shall be otherwise ordered by the Governor and Assembly of this Province, the Freemen and Inhabitants of the said County, qualified by the Laws of this Province to elect, shall annually meet at the Town of *Reading*, near the River *Schuylkill*, in the said County, at the same Time the Inhabitants of the other Counties of this Province shall meet for like Purposes, and there proceed to choose Inspectors, and to elect one Representative or Delegate, to serve them in Assembly, in the same Manner as by the Charter and Laws of this Province is directed in respect to other Counties; which said Representative, when so chosen, shall be a Member of the General Assembly of the Province of *Pennsylvania*, and sit and act as such, as fully and freely as any of the Representatives for the other Counties within this Province do, may, can, or ought to do.

The Inhabitants thereof to elect one Representative in Assembly.
II GEO. III.
Cap. 2.

III. *AND be it further enacted by the Authority aforesaid*, That all Taxes already laid within the Bounds of the said County of *Berks*, by Virtue of any Act of General Assembly of this Province, which are not already paid, shall be collected by the respective Collectors within the Bounds aforesaid, and paid into the Hands of the Treasurers of the Counties of *Philadelphia*, *Chester* and *Lancaster*; and that all Persons concerned in the levying, receiving and paying the said Taxes, shall have the same Power and Authority, and be under the same Penalties and Restrictions, for collecting and paying the same, as by the said Acts, by which the said Taxes were assessed, are expressed and directed, until the Whole be collected and paid as aforesaid.

Taxes already laid in the County of *Berks*, to be paid the Treasurers of *Philadelphia*, *Chester* and *Lancaster*.

IV. *AND be it further enacted by the Authority aforesaid*, That the Justices of the Supreme Court of this Province shall have like Powers, Jurisdictions and Authorities, within the said County of *Berks*, as by Law they are vested with, and intitled unto, in the other Counties within the Province aforesaid; and are hereby authorized and empowered, from Time to Time, to deliver the Goals of the said County of capital or other Offenders, in like Manner as they are authorized to do in other the Counties aforesaid.

Jurisdiction of the Supreme Court,

V. *AND be it further enacted by the Authority aforesaid*, That there shall be a competent Number of Justices nominated and authorized by the Governor for the Time being, by Commissions under the Broad Seal of the Province; which said Justices, or any three of them, shall and may hold Courts of General Quarter Sessions of the Peace and Goal Delivery, and County Courts for holding of Pleas; and shall have all and singular the Powers, Rights, Jurisdictions and Authorities, to all Intents and Purposes, as other the Justices of Courts of General Quarter Sessions, and Justices of the County Courts for holding of Pleas, in the other Counties

and County Courts established.

Counties aforesaid, may, can, or ought to have, in their respective Counties; which said Courts shall sit and be held for the said County of *Berks*, on the Third Day of the Week, commonly called *Tuesday*, next after the Courts held for the County of *Lancaster*, in every of the Months called *May*, *August*, *November* and *February* in every Year, at some proper Place within the said County, until a Court-House shall be built; and when the same is built and erected in the County aforesaid, the said several Courts shall then be holden and kept at the said Court-House, on the Days before-mentioned. And the Election of a Representative to serve in General Assembly, Assessors, and all other Officers of the said County, who are or shall be appointed to be annually elected, shall be made and elected at or near the said Court-House, at the same Time, and in the same Manner, as by the Charter of Privileges, and Laws of the Province aforesaid, is directed to be done in the other Counties within this Province. And it shall and may be lawful for the Freemen of the said County, for the first Year, to choose three Commissioners for raising County Rates and Levies for the said County.

Trustees for building a Court-House and Prison.

VI. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for *Anthony Lee*, *Francis Parvin*, *William Maugridge*, *William Bird*, and *Joseph Millard*, or any three of them, to purchase and take Assurance to them and their Heirs of a Piece of Land, situate in some convenient Place in the said Town of *Reading*, in Trust, and for the Use of the Inhabitants of the said County, and thereon to erect and build a Court-House and Prison, sufficient to accommodate the public Service of the said County, and for the Ease and Conveniency of the Inhabitants.

Charges thereof to be assessed on the Inhabitants.

VII. *AND be it further enacted by the Authority aforesaid*, That for the defraying the Charges of purchasing the Land, building and erecting the Court-House and Prison aforesaid, it shall and may be lawful to and for the Commissioners and Assessors of the said County, or a Majority of them, to assess and levy, and they are hereby required to assess and levy, so much Money as the said Trustees, or any three of them, shall judge necessary for purchasing the Land, and finishing the said Court-House and Prison. *Provided always*, the said Sum of Money, so to be raised, does not exceed *Three Hundred Pounds*, current Money of this Province.

Suits commenced in Philadelphia, &c. to be prosecuted there.

VIII. *PROVIDED also, and be it further enacted by the Authority aforesaid*, That no Action or Suit, now commenced or depending in the Counties of *Philadelphia*, *Chester* and *Lancaster*, against any Person living within the Bounds of the said County of *Berks*, or elsewhere, shall be stayed or discontinued by this Act, or by any Thing herein contained; but that the same Actions, already commenced or depending, may be prosecuted, and Judgment thereupon rendered, as if this Act had not been made: And that it shall and may be lawful for the Justices of the Counties of *Philadelphia*, *Chester* and *Lancaster*, to issue any judicial Process, to be directed to the Sheriffs of their respective Counties, for carrying on and obtaining the Effect of their Suits; which Sheriffs shall be and are hereby obliged to yield Obedience in executing the said Writs, and make due Returns thereof before the Justices of the respective Courts of the said Counties of *Philadelphia*, *Chester* and *Lancaster*, as if the Parties were living and residing within the same.

Collector of Excise appointed.

IX. *AND be it further enacted by the Authority aforesaid*, That *John Hughes*, of the said County of *Berks*, be, and hereby is appointed, Collector of the Excise of the said County, who is hereby authorized and impowered, by himself or his sufficient Deputy, duly constituted, and for whom he shall be accountable, to demand, collect, receive and recover, the Excise appointed to be paid by any Act or Acts of Assembly of this Province, and also the Arrearages thereof, of and from all and every Person and Persons within the said County, retailing or vending any of the Liquors by the said Acts liable to pay the same; and also to recover and receive all and every the Duties, Fines and Forfeitures, laid or imposed, or that shall happen to arise or become due, for any Thing done contrary to the true Intent and Meaning of the said Acts.

Collector of Berks to apply for a List.

X. *AND be it further enacted by the Authority aforesaid*, That the said Collector of Excise for the County of *Berks* aforesaid, the better to enable himself to recover the Arrearages of Excise now due, or which shall become due before the Publication of this Act, shall apply to the Collectors of Excise for the Counties

Counties of *Philadelphia*, *Chester* and *Lancaster*, for Lists, which they are hereby enjoined and required to deliver, containing the Names of each and every Person in Arrear for Excise within the said County of *Berks*, and how much from each of them.

XI. *AND be it further enacted by the Authority aforesaid*, That the Collector of the County of *Berks* aforesaid, before he enters on the Execution of his said Office, is hereby required to give Bond, with two sufficient Sureties, to the Treasurer of this Province for the Time being, in the Sum of *Two Hundred Pounds*, lawful Money of the Province aforesaid, for the faithful Discharge of his Duty, and paying all such Sums of Money, as he shall from Time to Time receive by Virtue of this Act. And further, the Collector of the said County of *Berks* shall in all Things govern himself, and be subject to the same Regulations, Restrictions, Fines and Forfeitures, and shall observe like Rules, Orders and Directions, as the Collectors of other the Counties aforesaid, by the Laws of this Province, are liable to. And the said Collector, for the Discharge of the Duty of his Office within the said County of *Berks*, shall have and receive like Fees, Perquisites and Rewards, for his Services enjoined by this Act, as other the Collectors aforesaid, *Philadelphia* excepted, by the Acts aforesaid are intitled unto, for the Services enjoined them by the Acts aforesaid.

XII. *AND be it further enacted by the Authority aforesaid*, That until a Sheriff and Coroner shall be chosen in the County of *Berks*, in Pursuance of this Act, it shall and may be lawful for the Sheriff and Coroner of *Philadelphia* County to officiate and act in the Discharge of their respective Duties, as fully and amply as they may or can do in their County of *Philadelphia*; one of whom, or his Deputy, shall attend and discharge the Duty of his Office, according to the Laws of this Province, at the next Election at *Philadelphia*, and the other of them, or his Deputy, shall attend and discharge the Duty of his Office, in like Manner, at the first Election next to be held in the County of *Berks* aforesaid, in Pursuance of the Directions of this Act.

XIII. *AND*, to the End the Boundaries of the said County of *Berks* may be the better ascertained and known, *Be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for *Edward Scull*, of the County of *Philadelphia*, *Benjamin Lightfoot*, of the County of *Chester*, and *Thomas Cookson*, of *Lancaster* County, or to and for a Majority of them, and they are hereby required and firmly enjoined, within the Space of Six Months next after the Publication of this Act, to assemble themselves together, and run, mark out and distinguish, the Boundary Line between the said Counties of *Philadelphia*, *Chester* and *Lancaster*, and the herein before mentioned County of *Berks*, or so much thereof, as they, or a Majority of them, for the respective Counties shall judge convenient and necessary, and the Charge to arise for the doing thereof shall be defrayed by the County of *Berks*, and to that End levied and raised by the Inhabitants of the said County, in such Manner as other public Money, for the Use of the said County, by Law ought to be raised and levied.

Passed March 11, 1752.—Recorded A, Vol. III. p. 227.

C A P. II.

An ACT for erecting the Northwest Part of *Bucks* into a separate County.

WHEREAS a great Number of the Inhabitants of the Upper Parts of the County of *Bucks*, by their Petition, have humbly represented to the Governor and Assembly of this Province the great Hardships they lay under, by being so remote from the present Seat of Judicature, and the public Offices, that the necessary Means to be used for obtaining Justice is attended with so much Difficulty and Expence, that many forego their Right, rather than attempt the Recovery of it under such Circumstances; while others, sensible of these Difficulties, commit great Villainies with Impunity. For remedying whereof, and for Relief of the Inhabitants, BE IT ENACTED by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province

Boundaries
of the Coun-
ty of North-
ampton.

Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent* and *Suffex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all and singular the Lands, lying within the Province of *Pennsylvania* aforesaid, be erected into a County; and the same is hereby erected into a County, named, and henceforth to be called, *NORTHAMPTON*; to be divided from the County of *Bucks* by the upper or Northwestward Line of *Durham* Tract, to the upper Corner thereof; then by a straight Line to be run Southwestwardly to the Line dividing the Townships of *Upper* and *Lower Milford*; then along the said Line to the Line dividing *Philadelphia* and *Bucks* Counties; and then by that Line to the Extremity of the said Province.

The Inhabi-
tants thereof
to elect one
Representa-
tive in As-
sembly.

II. *AND be it further enacted by the Authority aforesaid*, That the Inhabitants of the said County shall, at all Times hereafter, have and enjoy all and singular the Jurisdictions, Powers, Rights, Liberties and Privileges whatsoever, which the Inhabitants of any other County within the said Province do, may, or ought to enjoy, by any Charter of Privileges, or the Laws of this Province, or by any other Ways or Means whatsoever, excepting only in the Number of Representatives to serve in General Assembly of this Province; in which Case it is *Provided and further enacted by the Authority aforesaid*, That until it shall be otherwise ordered by the Governor and Assembly of this Province, the Freemen and Inhabitants of the said County, qualified by the Laws of this Province to elect, shall annually meet at or near the Place where the Court-House is intended to be built for the said County, at the same Time the Inhabitants of the other Counties of this Province shall meet for like Purposes, and there proceed to choose Inspectors, and to elect one Representative or Delegate, to serve them in Assembly, in the same Manner as by the Charter and Laws of this Province is directed in respect to other Counties; which said Representative, when so chosen, shall be a Member of the General Assembly of the Province of *Pennsylvania*, and sit and act as such, as fully and freely as any of the Representatives for the other Counties within this Province do, may, can, or ought to do.

Taxes al-
ready laid in
the County of
Northampton,
to be paid to
the Collector
of *Bucks*
County.

III. *AND be it further enacted by the Authority aforesaid*, That all Taxes already laid within the Bounds of the said County of *Northampton*, by Virtue of any Act of General Assembly of this Province, which are not already paid, shall be collected by the respective Collectors within the Bounds aforesaid, and paid into the Hands of the Treasurer of *Bucks* County; and that all Persons concerned in the levying, receiving and paying the said Taxes, shall have the same Power and Authority, and be under the same Penalties and Restrictions, for collecting and paying the same, as by the said Acts, by which the said Taxes were assessed, are expressed and directed, until the Whole be collected and paid as aforesaid.

Jurisdiction
of the Su-
preme Court,

IV. *AND be it further enacted by the Authority aforesaid*, That the Justices of the Supreme Court of this Province shall have like Powers, Jurisdictions and Authorities, within the said County of *Northampton*, as by Law they are vested with, and intitled unto, in the other Counties within the Province aforesaid; and are hereby authorized and impowered, from Time to Time, to deliver the Goals of the said County of capital or other Offenders, in like Manner as they are authorized to do in other the Counties aforesaid.

and County
Courts esta-
blished.

V. *AND be it further enacted by the Authority aforesaid*, That there shall be a competent Number of Justices nominated and authorized by the Governor for the Time being, by Commissions under the Broad Seal of the Province; which said Justices, or any three of them, shall and may hold Courts of General Quarter Sessions of the Peace and Goal Delivery, and County Courts for holding of Pleas; and shall have all and singular the Powers, Rights, Jurisdictions and Authorities, to all Intents and Purposes, as other the Justices of Courts of General Quarter Sessions, and Justices of the County Courts for holding of Pleas, in the other Counties aforesaid, may, can, or ought to have, in their respective Counties; which said Courts shall, from and after the Publication of this Act, sit and be held for the said County of *Northampton*, on the Third Day of the Week, commonly called *Tuesday*, next ensuing *Bucks* County Courts, in every of the Months called *March*, *June*, *September* and *December*, in every Year, at *Easton*, on *Lebietan*, in the Forks of the River *Delaware*, until a Court-House shall be built; and when the same is built and erected in the County aforesaid, the said several Courts

Courts shall then be holden and kept at the said Court-House, on the Days before-mentioned. And the Election of a Representative to serve in General Assembly, Assessors, and all other Officers of the said County, who are or shall be appointed to be annually elected, shall be made and elected at or near the said Court-House, at the same Time, and in the same Manner, as by the Charter of Privileges, and Laws of the Province aforesaid, is directed to be done in other Counties within this Province. And it shall be lawful for the Freemen of the said County, for the first Year, to choose three Commissioners for raising County Rates and Levies for the said County.

VI. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for *Thomas Craig, Hugh Wilson, John Jones, Thomas Armstrong and James Martin*, or any three of them, to purchase and take Assurance to them and their Heirs of a Piece of Land, situate in some convenient Place in the said Town, in Trust, and for the Use of the Inhabitants of the said County, and thereon to erect and build a Court-House and Prison, sufficient to accommodate the public Service of the said County, and for the Ease and Conveniency of the Inhabitants.

Trustees for building a Court-House and Prison.

VII. *AND be it further enacted by the Authority aforesaid*, That for the defraying the Charges of purchasing the Land, building and erecting the Court-House and Prison aforesaid, it shall and may be lawful to and for the Commissioners and Assessors of the said County, or a Majority of them, to assess and levy, and they are hereby required to assess and levy, so much Money as the said Trustees, or any three of them, shall judge necessary for purchasing the Land, and finishing the said Court-House and Prison. *Provided always*, the Sum of Money, so to be raised, does not exceed *Three Hundred Pounds*, current Money of this Province.

Charges thereof to be assessed on the Inhabitants.

VIII. *PROVIDED also, and be it further enacted by the Authority aforesaid*, That no Action or Suit, now commenced or depending in the County of *Bucks*, against any Person living within the Bounds of the said County of *Northampton*, or elsewhere, shall be stayed or discontinued by this Act, or by any Thing herein contained; but that the same Actions, already commenced or depending, may be prosecuted, and Judgment thereupon rendered, as if this Act had not been made: And that it shall and may be lawful for the Justices of *Bucks* County to issue any judicial Process, to be directed to the Sheriff of *Bucks* County, for carrying on and obtaining the Effect of their Suits; which Sheriff shall be and is hereby obliged to yield Obedience in executing the said Writs, and make due Return thereof before the Justices of the said Court of the said County of *Bucks*, as if the Parties were living and residing within the same.

Suits commenced in *Bucks* County to be prosecuted there.

IX. *AND be it further enacted by the Authority aforesaid*, That *Daniel Craig*, of the said County of *Northampton*, be, and hereby is appointed, Collector of the Excise of the said County, who is hereby authorized and impowered, by himself or his sufficient Deputy, duly constituted, and for whom he shall be accountable, to demand, collect, receive and recover, the Excise appointed to be paid by any Act or Acts of Assembly of this Province, and also the Arrearages thereof, of and from all and every Person and Persons within the said County, retailing or vending any of the Liquors by the said Acts liable to pay the same; and also to recover and receive all and every the Duties, Fines and Forfeitures, laid or imposed, or that shall happen to arise or become due, for any Thing done contrary to the Intent of the said Acts.

Collector of Excise appointed.

X. *AND be it further enacted by the Authority aforesaid*, That the said Collector of Excise for the County of *Northampton* aforesaid, the better to enable himself to recover the Arrearages of Excise now due, or which shall become due before the Publication of this Act, shall apply to the Collector of Excise for the County of *Bucks* for a List, which he is hereby enjoined and required to deliver, containing the Names of each and every Person in Arrear for Excise within the said County of *Northampton*, and how much from each of them.

Collector of Excise of *Northampton* to apply to the Collector of *Bucks* for a List.

XI. *AND be it further enacted by the Authority aforesaid*, That the Collector of the County of *Northampton* aforesaid, before he enters on the Execution of his said Office, is hereby required to give Bond, with two sufficient Sureties, to the Treasurer of this Province for the Time being, in the Sum of *Two Hundred Pounds*, lawful Money of the Province aforesaid, for the faithful Discharge of

To give Bond.

of his Duty, and paying all such Sums of Money, as he shall from Time to Time receive by Virtue of this Act. And further, the Collector of the said County of *Northampton* shall in all Things govern himself, and be subject to the same Regulations, Restrictions, Fines and Forfeitures, and shall observe like Rules, Orders and Directions, as the Collectors of other the Counties aforesaid, by the Laws of this Province, are liable to. And the said Collector, for the Discharge of the Duty of the said Office within the said County of *Northampton*, shall have and receive like Fees, Perquisites and Rewards, for his Services enjoined by this Act, as other the Collectors aforesaid, *Philadelphia* excepted, by the Acts aforesaid are intitled unto, for the Services enjoined them by the Acts aforesaid.

Sheriff and
Coroner of
Bucks to offi-
ciate, until,
&c.

XII. *AND be it further enacted by the Authority aforesaid*, That until a Sheriff and Coroner shall be chosen in the County of *Northampton*, in Pursuance of this Act, it shall and may be lawful for the Sheriff and Coroner of *Bucks* to officiate and act in the Discharge of their respective Duties, as fully and amply as they might and ought to have done if this Act had not been made; one of whom, or his Deputy, shall attend and discharge the Duty of his Office, according to the Laws of this Province, at the next Election at *Bucks*; and the other of them, or his Deputy, shall attend and discharge the Duty of his Office, in like Manner, at the first Election next to be held in the County of *Northampton* aforesaid, in Pursuance of the Directions of this Act.

Boundary
Line to be
run within
Six Months.

XIII. *AND*, to the End the Boundaries of the said County of *Northampton* may be the better ascertained and known, *Be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for *John Chapman*, *John Watson*, junior, and *Samuel Foulke*, or to and for a Majority of them, and they are hereby required and firmly enjoined, within the Space of Six Months next after the Publication of this Act, to assemble themselves together, and run, mark out and distinguish, the Boundary Line between the said Counties of *Bucks* and *Northampton*; and the Charges to arise for the doing thereof shall be defrayed by the said County of *Northampton*, and to that End levied and raised by the Inhabitants thereof, in such Manner as other public Money, for the Use of the said County, by Law ought to be raised and levied.

Passed March 11, 1752.—Recorded A, Vol. III. p. 269.

C A P. III.

An ACT to regulate the Affize of Bread.

Passed March 11, 1752.—Recorded A, Vol. III. p. 295.—Expired.

C A P. IV.

An ACT to prevent Disputes about the Dates of Conveyances, and other Instruments and Writings.

Recital of
an Act of
Parliament
regulating
the Com-
mencement
of the Year.

WHEREAS by an Act of Parliament, made in the Twenty-fourth Year of the present Reign, intituled, *An Act for regulating the Commencement of the Year, and for correcting the Calendar now in Use*, it is enacted, That in and throughout all his Majesty's Dominions and Countries in *Europe*, *Asia*, *Africa* and *America*, belonging or subject to the Crown of *Great-Britain*, the Supputation, according to which the Year of our Lord beginneth on the Twenty-fifth Day of *March*, should not be made Use of from and after the last Day of *December*, One Thousand Seven Hundred and Fifty-one, and that the first Day of *January*, next following the said last Day of *December*, should be reckoned, taken, deemed and accounted, to be the first Day of the Year of our Lord One Thousand Seven Hundred and Fifty-two, and so on, from Time to Time, the first Day of *January* in every Year, which should happen in Time to come, should be reckoned, taken, deemed and accounted, to be the first Day of the Year; and that each new Year should accordingly commence and begin to be reckoned from the first Day of every such Month of *January* next, preceding the Twenty-fifth Day of *March*, on which such Year would, according to the Supputation aforesaid, have begun or commenced; and that all Acts, Deeds, Writings, Notes and other Instruments, of what Nature or Kind soever, which should be made, executed or signed, upon or after the said first Day of *January*, One Thousand Seven Hundred and Fifty-two, should bear Date according to the

New

New Method of Supputation. And whereas for the Ease of the Inhabitants of this Province, who scrupled to call the Names of the Months as they were commonly called, but the Month which others called *March* they called the *First Month*, and so of the rest of the Months of the Year, according to the Old Supputation of the Year, beginning on the Twenty-fifth Day of the Month called *March*, then generally received throughout the King's Dominions, an Act of the General Assembly of this Province was passed in the Ninth Year of the late Queen ANNE, intituled, *An Act to prevent Disputes which may hereafter arise about the Dates of Conveyances, and other Instruments and Writings*, whereby it was enacted, that all Instruments and Writings whatsoever, wherein the Names of the Months were called the *First, Second, Third and Fourth*, instead of *March, April, May and June*, and so of the rest, should be judged and taken as valid and effectual in Law, as if the Months in such Writings had been set down and expressed by the usual Names.

Of an Act of
Assembly
about the
Names of the
Months.

II. AND forasmuch as many of the sober Inhabitants of this Province are still conscientiously scrupulous of calling the Names of the Months as they are usually called, yet hold themselves in Duty bound to comply with the Act of Parliament herein before recited: Therefore, for preventing Disputes and Controversies concerning the Dates of such Instruments and Writings, since the Passing of the Act of Parliament aforesaid, BE IT ENACTED by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle, Kent and Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Deeds, Conveyances, Mortgages, Letters of Attorney, or Powers of Agency, Commissions, Bonds, Bills, Charter Parties, Leases, Releases, Contracts, Articles, Receipts, and all other Instruments and Writings whatsoever, since the first Day of the Month called *January* last, wherein the Names of the Months are called *First, Second, Third and Fourth*, instead of *January, February, March, April*, and so of the rest, accounting always the Month called *January* to be the first Month of the Year, shall and are hereby enacted and declared to be as good and available, and may be pleaded, and shall be deemed, adjudged and taken, in all Courts of Judicature, and elsewhere, within this Province, to be as valid and effectual in Law to all Intents, Constructions and Purposes, as if the Months in such Writings had been set down and expressed by their usual Names, any Law, Custom or Usage, to the contrary thereof in any wise notwithstanding.

Which is
hereby sup-
plied,

III. AND be it further enacted by the Authority aforesaid, That the Act of Assembly aforesaid, intituled, *An Act to prevent Disputes which may hereafter arise about the Dates of Conveyances, and other Instruments and Writings*, passed in the Ninth Year of the late Queen ANNE, and every Clause, Part and Paragraph thereof, shall be and is hereby repealed and made void.

and repealed.

Passed March 11, 1752.—Recorded A, Vol. III. p. 299.

C A P. V.

An ACT for directing the Choice of Inspectors in the Counties of *Chester, Lancaster, York, Cumberland, Berks and Northampton*.

Passed March 11, 1752.—Recorded, A, Vol. III. p. 274.—Expired.

C A P. VI.

An ACT for preventing Bribery and Corruption in the Election of Sheriffs and Coroners within this Province.

WHEREAS such Persons as stand Candidates for being elected and returned for the Office of Sheriff and Coroner within this Province, make it too frequently their Practice to engage Persons to vote for them, by giving them strong Drink, and using other Means, inconsistent with the Design of voting freely at Elections, by Means whereof many unguarded Persons are unwarily drawn in to engage their Votes, and rendered altogether incapable of discharging their Duty in that sober and weighty Manner the Occasion requires, but become

Preamble.

more particularly disorderly at those Times, whereby great Confusions and Mischiefs arise: For preventing whereof, BE IT ENACTED by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Person or Persons within this Government, after the Publication of this Act, who shall stand a Candidate or Candidates, or make Interest by him or themselves, or others, to be elected and returned for the Office of Sheriff or Coroner, shall presume by him or themselves, or any other Person or Persons whatsoever, to procure him or themselves to be voted for or elected for the Office of Sheriff or Coroner as aforesaid, by giving to any Person or Persons, either by themselves, or others in their Behalf, or for their Use or Purpose, any Gratuity, Wages, Gift, Bribe, strong Drink of any Kind, Treats, Entertainments, or any other Reward whatsoever, or shall covenant, engage, promise or procure, so to be done by him or themselves, or any other Person or Persons, every Person or Persons so offending shall, for every such Offence, forfeit the Sum of *Ten Pounds* to any Person who will sue for the same, to be recovered by Action of Debt in any Court of Record within this Province, with Costs of Suit, and be incapable to serve the Office of Sheriff or Coroner for that Year. And every Person whatsoever, who shall by himself, or any other Person or Persons for his or their Use, or by his or their Means or Procurement, presume to take, accept or receive any such Gratuity, Gift, Bribe, strong Drink, Treats, Entertainments, or other Reward whatsoever, as aforesaid, for giving any Vote or Votes, or causing or procuring any Vote or Votes to be given, to any such Candidate or Candidates, or Person or Persons making Interest by him or themselves, or others as aforesaid, to be elected and returned to serve in the Office of Sheriff or Coroner as aforesaid, every Person or Persons so offending shall, for every such Offence, forfeit the Sum of *Five Pounds*, to be recovered in the Manner directed by Law for the Recovery of Debts of *Five Pounds* or under.

Penalty on
Sheriffs or
Coroners
bribing.

And on Elec-
tors taking
Bribes.

Sheriffs Se-
curities.
7 G E O. III.
cap. 2.

II. AND be it further enacted by the Authority aforesaid, That before any Sheriff shall receive his Commission, or exercise any Part of his said Office within this Province, he shall put in sufficient Sureties into the Office of the Master of the Rolls of this Province, and there shall enter into Bond or Obligation, together with at least two Freeholders, Inhabitants of the respective Counties, viz. The Sheriff of the City and County of *Philadelphia*, in the Sum of *Two Thousand Pounds*, current Money of *Pennsylvania*; the Sheriff of the County of *Bucks*, in the Sum of *Six Hundred Pounds*, Money aforesaid; the Sheriff of the County of *Chester*, in the Sum of *Six Hundred Pounds*, Money aforesaid; the Sheriff of the County of *Lancaster*, in the Sum of *Six Hundred Pounds*, Money aforesaid; the Sheriff of the County of *York*, in the Sum of *Six Hundred Pounds*, Money aforesaid; the Sheriff of the County of *Cumberland*, in the Sum of *Six Hundred Pounds*, Money aforesaid; the Sheriff of the County of *Berks*, in the Sum of *Three Hundred Pounds*, Money aforesaid; and the Sheriff of the County of *Northampton*, in the Sum of *Three Hundred Pounds*, in like Money; upon like Conditions and Trusts, and to be recorded, and put in Suit, and Judgment thereupon to be obtained, in like Manner, and for such Uses, as in and by an Act, passed in the Fourth Year of the Reign of QUEEN ANNE, intituled, *An Act for regulating Elections of Sheriffs and Coroners*, is directed, required and enjoined, any Thing in the said Law, or any other Act of General Assembly of this Province contained, notwithstanding.

Passed March 11, 1752.—Recorded A, Vol. III. p. 301.

C A P. VII.

An ACT for regulating and establishing Fees.

FOR preventing of Extortion and undue Exaction of Fees by the several Officers and Practitioners of Law in this Province, and to the End that all Fees may be limited and reduced to Certainty, BE IT ENACTED by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable

able THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Fees of the several Officers and Practitioners of Law in this Province shall be as herein after is ascertained, limited and appointed, *viz.*

II. That the Fees belonging to the KEEPER OF THE GREAT SEAL of this Province shall be as follows, *viz.*

THE Lieutenant-Governor's Commission, to be paid by the Public, *Fifteen Shillings.* The Keeper of the Great Seal's Fees.
 The Keeper of the Great Seal's Commission, to be paid by the Party, *Twelve Shillings.*
 Any Act of Assembly, or any Exemplification of an Act of Assembly, *Six Shillings.*
 The Master of the Rolls Commission, to be paid by the Party, *Ten Shillings.*
 Every Provincial Judge's Commission, to be paid by the Public, *Six Shillings.*
 A Commission of Sheriff of the City and County of *Philadelphia*, to be paid by the Party, *Eight Shillings.*
 A Commission of Sheriff of *Bucks, Chester, Lancaster, York, Cumberland, Berks* and *Northampton*, each, to be paid by the Party, *Six Shillings.*
 A Proclamation by the Governor and Council, to be paid by the Public, *Six Shillings.*
 A Commission of the Peace, to be paid by the County, *Six Shillings.*
 The Attorney-General's Commission, to be paid by the Public, *Six Shillings.*
 The Secretary's Commission, to be paid by the Party, *Six Shillings.*
 The Surveyor-General's Commission, to be paid by the Party, *Six Shillings.*
 A Commission for Clerk of the County of *Philadelphia*, to be paid by the Party, *Ten Shillings.*
 A Commission for Clerk of *Bucks, Chester, Lancaster, York, Cumberland, Berks* or *Northampton*, each, to be paid by the Party, *Six Shillings.*
 The Register-General's Commission, to be paid by the Party, *Ten Shillings.*
 Each Coroner's Commission, to be paid by the Party, *Six Shillings.*
 A Charter for a City, to be paid by the Parties, *Twenty Shillings.*
 A Charter for a Borough or Town, to be paid by the Parties, *Ten Shillings.*
 The Proprietaries Receiver-General's Commission, to be paid by the Party, *Six Shillings.*
 Any single Law (other than private Acts) passed in any Session of Assembly, to be paid by the Public, *Six Shillings.*
 A Special Commission, to be paid by the Public, *Six Shillings.*
 Each Patent for Land or Lots, to be paid by the Party, *Six Shillings.*

III. And that the Fees belonging to the MASTER OF THE ROLLS shall be as follows, *viz.*

RECORDING the Laws of the Province, in a fair close Hand, including Parchment or Book, for every Line not less than twelve Words, one with another, *One Halfpenny.* The Master of the Rolls.
 Exemplification or Copying of all Laws for the Royal Assent, or for the several Counties of this Province, *One Halfpenny per Line.*
 Recording, Exemplifying or Copying all Patents, Commissions, Proclamations, and other Instruments, for each Line, as it stands recorded as above, *One Halfpenny.*
 Recording Deeds, Writings, and Things appertaining to the Inrollment-Office, he finding Paper or Parchment, for each Line as aforesaid, *One Halfpenny.*

A Copy

FOR { A Copy or Exemplification of any Record in the said Office, as it stands recorded, for each Line, *One Halfpenny*.
 { Searching any Roll or Record, *One Shilling*.
 { Indorsement of Certificate on each Deed proved or acknowledged, and his Hand and Seal thereto, *One Shilling and Six-pence*.

IV. And that the Fees belonging to the JUSTICES OF THE SUPREME COURT shall be as follows, *viz.*

Justices of
the Supreme
Court.

FOR { ALLOWING and Signing the Allocator of every *Certiorari*, for removing of Indictments, Orders, &c. *Four Shillings*.
 { Every Cause brought into Court by *Certiorari*, or Writ of Error, *Six Shillings*.
 { Taking Bail to prosecute a *Certiorari*, *Two Shillings*.
 { Judgment on every Writ of Error, *Noli prosequi*, or other Matter, to the Bench, *Six Shillings*.
 { Every Rule of Court, Imparlance, Continuance by Adviseement or otherwise, *Two Shillings*.

V. And that the Fees belonging to the GOVERNOR'S SECRETARY, or CLERK OF THE COUNCIL, shall be as follows, *viz.*

Governor's
Secretary.

FOR { READING and Entering every Petition to the Governor and Council for laying out High Roads, *Two Shillings*.
 { Entering their Order thereupon for laying out the Road, and entering the Return thereof when laid out, *Four Shillings and Six-pence*.
 { A Copy thereof, if required, *Three Shillings*.
 { Reading and Entering every other Petition, and the Order or Answer thereof, *Two Shillings*.
 { A *Mediterranean*, or Let-pass, if required, each *Four Shillings*.
 { A Register of every Vessel, *Four Shillings*.
 { Writing of the Provincial Judge's Commission, or for Trial of *Negroes*, each *Five Shillings*.
 { General Commissions of the Peace, to be paid by the County, *Five Shillings*.
 { A single Commission for a Justice or Coroner, to be paid by the County, *Four Shillings and Six-pence*.
 { A single Commission for Sheriff or Clerk, to be paid by the Party, *Six Shillings*.
 { A Warrant under the Lesser Seal, to affix the Great Seal to any Law passed here, Provincial Judge's Commission, Commission of the Peace, or any other Commission, Proclamation, or other public Instrument, each *Two Shillings and Six-pence*.
 { A Warrant to affix the Great Seal to a Pardon, to be paid by the Party, *Four Shillings*.

VI. And that the Fees belonging to the PROPRIETARIES SECRETARY shall be as follows, *viz.*

Proprietaries
Secretary.

FOR { EVERY Ticket to the Receiver-General for the Payment of the Consideration Money, and to the Surveyor-General to examine if the Land applied for be clear of prior Claims or Surveys, and all other Examinations attending the Application for a Warrant, and for the Warrant, *Five Shillings*.
 { Acceptance of and filing the Surveyor-General's Return, Examination of the Courses and Quantity contained in the said Return, Warrant for the Great Seal, and Entry of the Patent, lodging it in the Recorder's Office, and for the Patent, to be on Parchment, *Nineteen Shillings*.
 { Every Recital of Transference, or every Description at large, of more than one Tract or Parcel of Land, *Eighteen-pence* each, over and above the said *Nineteen Shillings*.

VII. And

VII. And that the Fees belonging to the ATTORNEY-GENERAL shall be as follows, *viz.*

EVERY capital Cause, where Life is concerned, for the whole Pro-
secution, *Thirty-six Shillings*, to be paid by the Party. Attorney-
General.
And if not found by the Grand Inquest, *Eighteen Shillings*, to be paid by
the County.
Every other Matter by Bill of Indictment, *Eighteen Shillings*; if not found,
to be paid by the County, *Nine Shillings*.
And if the Defendant shall, by *Habeas Corpus*, *Certiorari*, or otherwise,
remove any Indictment from any Court of Quarter Sessions before the
Justices of the Supreme Court, the Attorney-General shall, for his Ser-
vice in drawing the Indictment, and prosecuting the same, have the Sum
of *Thirty-six Shillings*; but if the same be removed by Order of the said
Attorney, he shall receive but *Eighteen Shillings* for the same.

VIII. And that the Fees belonging to the SHERIFF of every County of this
Province shall be as follows, *viz.*

SERVING every Writ of Arrest, and taking into Custody, *Four Sheriffs*,
Shillings and *Six-pence*.
Serving a Summons, *Three Shillings*.
Return of a Summons, Arrest or Attachment, *One Shilling*.
Delivery of a Copy of a Declaration, *One Shilling*.
Every Bail-Bond, *Two Shillings* and *Six-pence*.
Travelling Charges for every Mile, *Two-pence*.
Summoning or serving a Witness with a *Subpœna*, besides Mileage, *Nine-
pence*.
Summoning and returning a Jury in every Cause where Issue is joined,
Two Shillings.
Returning an Execution for Land, *Six Shillings*.
Returning an Execution for Goods and Chattels, *One Shilling* and *Six-
pence*.
Serving an Execution, and selling the Land or Goods executed or delivered
to the Creditor, and returning the *Venditioni Exponas* or *Liberari Facias*,
for any Sum not exceeding *One Hundred Pounds*, *Six-pence per Pound*.
If above *One Hundred Pounds*, *Three-pence per Pound*, and no more. And
that no Poundage be paid for more than the real Debt or Damage due to
the Plaintiff named in the Execution.
The Turn-key's Fees, to be paid upon the Discharge of a Prisoner, *Two
Shillings* and *Six-pence*. But if upon a Debt under *Five Pounds*, *Nine-
pence*.
Executing Writs of Enquiry of Damages, attesting the Jury, and making
Return thereof, *Nine Shillings*.
Executing every other Writ of Enquiry, and all Writs or Orders of Par-
tition of Lands or Tenements, attesting the Jury for any Matter or Thing
to be done by him about such Partition, and making Return thereof,
Twenty Shillings. But if the Business of the Partition exceed what the
Jury can perform in one Day, then the Sheriff, for every Day more that
he shall attend on the Jury about the said Partition, shall have *Six
Shillings per Diem*.
Every Judgment in civil Causes, *One Shilling*.
Assigning every Bail-Bond, *One Shilling* and *Six-pence*.
Every criminal Cause, *Ten Shillings*.
Every capital Cause, *Twenty Shillings*.
Levying Fines, Forfeitures and Amerciaments, estreated and paid to the
Treasurer, *Six-pence per Pound*, to be allowed by the Treasurer out of
the same.

IX. And that the Fees belonging to every CORONER of the Counties of this Province shall be as follows, *viz.*

Coroners.

VIEWING a dead Body, *Ten Shillings.*
 Summoning the Inquest, entering the Verdict, and returning the Inquisition, *Ten Shillings.*
 Summoning or arresting the Sheriff, or any other Person for him, *Four Shillings and Six-pence.*
 Travelling Charges; each Mile, *Two-pence.*

X. And that the Fees belonging to the JUSTICES OF PEACE shall be as follows, *viz.*

Justices of Peace.

WRITING, signing and sealing every Warrant, Mittimus, Recognizance, Certificate, Pass, or other Instrument, *One Shilling and Six-pence.*
 Signing every Attachment, Arrest or Summons, *One Shilling.*
 Taxing every Bill of Costs, and signing every Judgment of Court, *One Shilling.*
 Every Judgment of Court, upon Confession, Default, *Noli prosequi*, or otherwise, Bench Fees, *Four Shillings.*
 Signing and sealing every judicial Writ, *One Shilling.*
 Respiting every Recognizance, *Six-pence.*
 Writing the Assignment of a Servant, signing it, and keeping a Record thereof, *Two Shillings.*
 Taking a Deposition or Affidavit out of Court, *One Shilling.*
 Every Warrant of Summons, Capias or Attachment, and Execution for Demand under *Five Pounds, Nine-pence.*
 Every Judgment for such Debt or Demand, *Nine-pence.*

XI. And that the Fees belonging to the said JUSTICES IN THE ORPHANS COURT shall be as follows, *viz.*

Justices of the Orphans Court.

ORDER to compel Administrators to pay according to their Bond, *Nine-pence.*
 Order to distribute the real Estate of Intestates, *One Shilling.*
 Order for Sale of Land, *One Shilling.*
 Order for Valuation of Land, *One Shilling.*
 Order to compel an Administrator to give better Security, *Nine-pence.*
 Order to compel an Executor to give better Security, *Nine-pence.*
 Order to put out Minors Money, *Nine-pence.*
 Order for Guardians, *One Shilling.*
 Giving Judgment upon the final Settlement of an Estate, Bench Fees, *Four Shillings.*

XII. And that the Fees belonging to the PROTHONOTARY, or CLERK OF THE SUPREME COURT, shall be as follows, *viz.*

Clerk of the Supreme Court.

ENTERING every Action or Cause there, *One Shilling.*
 Filing the Errors assigned in every Cause, *One Shilling.*
 Every Retrait, Discontinuance or Quashing of a Writ of Error, *One Shilling.*
 Entering every Appearance, *One Shilling.*
 Filing and entering any Demurrer, Plea, Replication, and every other subsequent Plea and Issue, *One Shilling and Six-pence.*
 Calling the Jury, and attesting them, *One Shilling and Six-pence.*
 Attesting each Witness in every Cause, *Nine-pence.*
 Recording every Verdict, *One Shilling and Six-pence.*
 Recording every Judgment, *One Shilling.*
 Entering every Continuance, *One Shilling and Six-pence.*
 Entering the Arrest of Judgment, *One Shilling and Six-pence.*

Entering

F O R	Entering every Warrant of Attorney, Committatur, or Rule of Court, <i>One Shilling.</i>
	Reading the Record, which is all the Proceedings below and above, <i>Two Shillings.</i>
	Every <i>Noli prosequi</i> , <i>One Shilling.</i>
	Filing a Declaration, <i>One Shilling and Six-pence.</i>
	Reading every Affidavit, <i>Nine-pence.</i>
	Acknowledging Satisfaction upon Record, <i>One Shilling and Six-pence.</i>
	Every <i>Subpœna</i> to give Evidence, <i>One Shilling and Six-pence.</i>
	Drawing every Bill of Costs at large, <i>One Shilling and Six-pence.</i>

XIII. And that the Fees belonging to the CLERK OF THE COURT OF THE GENERAL QUARTER SESSIONS OF THE PEACE AND GOAL DELIVERY, in every County and City of this Province, shall be as follows, *viz.*

F O R	EVERY Warrant of the Peace or Behaviour, requiring to bring Sureties, if drawn by the Clerk, <i>Nine-pence.</i>	Clerk of the Quarter Sessions.
	Every common Warrant, <i>Subpœna</i> or <i>Mittimus</i> , if drawn by the Clerk, <i>Nine-pence.</i>	
	Every Deposition upon Examination, if written by the Clerk, <i>Nine-pence.</i>	
	Every Recognizance, if drawn by him, <i>Nine-pence.</i>	
	Every Indictment of Felony, Trespass, Assault, Battery, Riot, &c. if drawn by the Clerk, <i>Three Shillings.</i>	
	A Copy thereof, <i>One Shilling.</i>	
	Entering every Appearance to every Indictment or Information, <i>Nine-pence.</i>	
	Discharge of every Person upon Bail for the Peace, good Behaviour, Contempt, or the like, with a Warrant of Discharge thereon, <i>One Shilling.</i>	
	Awarding and making out Process against the Defendant, upon an Information or Indictment, <i>One Shilling.</i>	
	Discharge of every Indictment upon <i>Ignoramus</i> , <i>Nine-pence.</i>	
	Every Plea of not Guilty, <i>Nine-pence.</i>	
	Entering every special Plea or Demurrer, <i>One Shilling.</i>	
	Entering every Submission, <i>Nine-pence.</i>	
	Calling the Jury, and attesting them, <i>Nine-pence.</i>	
	Attesting each Witness in every Trial, <i>Four-pence.</i>	
	Entering every Verdict, <i>Nine-pence.</i>	
	Entering every Judgment, <i>Nine-pence.</i>	
	A Copy of every Judgment, <i>Six-pence.</i>	
	Every judicial Writ in criminal Cases, <i>Two Shillings and Six-pence.</i>	
	Respiteing a Recognizance, <i>Nine-pence.</i>	
	Every Writ of Restitution, <i>Two Shillings.</i>	
	Drawing and entering, or copying every Order of Sessions, <i>Nine-pence.</i>	
	Reading and entering of every Petition, <i>Nine-pence.</i>	
	Entering at large the Return of a Road laid out, <i>Two Shillings and Six-pence.</i>	
	A Copy thereof for every Sheet, containing Thirty Lines, and Twenty Words in every Line, <i>Two Shillings.</i>	
	Making out the <i>Estreats</i> for levying Fines and Forfeitures of each Session, <i>One Shilling.</i>	
	Entering Similiter to join Issue, <i>Six-pence.</i>	
	Relinquishing the Plea, and entering Submission, <i>Nine-pence.</i>	
	A <i>Venire facias</i> , <i>One Shilling.</i>	
	Reading the Indictment, and arraigning the Criminal, <i>Nine-pence.</i>	
	Continuing the Cause after Issue joined, <i>Nine-pence.</i>	
	Reading every Evidence upon Trial, <i>Four-pence.</i>	
	Allowing every Writ of <i>Certiorari</i> , Writ of Error or <i>Procedendo</i> , <i>Six-pence.</i>	
	Entering a <i>Noli prosequi</i> , <i>Nine-pence.</i>	
	Entering the Rule upon Motion to arrest Judgment, <i>Nine-pence.</i>	
	Entering the Arrest of Judgment, <i>Nine-pence.</i>	
	A <i>Habeas Corpus</i> , <i>Two Shillings.</i>	

Drawing

- F O R { Drawing up and examining every Record of all the Proceedings upon Indictments or Informations, in Rolls of Parchment, not less than Ten Inches wide, for every Line, containing Twelve Words, *Three-farthings per Line.*
 A Copy and signing thereof, if required, *One Half-penny per Line.*
 Writing every Recommendation for a Licence to keep a public Inn or Ale-house, for selling Provision, and all Sorts of Liquors, and making the Bond or Recognizance, and entering the said Licence, Bond or Recognizance, *Five Shillings.*

XIV. And that the Fees belonging to the PROTHONOTARY, or CLERK OF THE COMMON PLEAS, in every County of this Province, shall be as follows, *viz.*

Clerk of the
Common
Pleas.

- F O R { EVERY Arrest, Attachment or Summons, *Three Shillings and Four-pence.*
 Every Replevin, *Three Shillings.*
 Entering every Action, *Six-pence.*
 Filing the Declaration, *Six-pence.*
 A Copy of the Declaration in an Action of Account, Debt, Detinue, Trespass, Assumpsit, Trover and Ejectment, *One Shilling.*
 A Copy of a Declaration, in an Action of Slander, Covenant or Waste, *Two Shillings.*
 Withdrawing or discontinuing every Action, *Nine-pence.*
 Entering every Appearance, *Six-pence.*
 Filing and entering every Demurrer, Plea, Replication, and Pleas subsequent, and Issue in every Action, *Six-pence.*
 Entering every General Issue, *Six-pence.*
 A Copy of every Plea, Replication, or Pleas subsequent, *Six-pence.*
 Calling the Jury, and attesting them, *One Shilling.*
 Attesting each Witness, who shall give Evidence, on every Trial, *Four-pence.*
 Recording every Verdict, *Nine-pence.*
 Entering the Judgment, *Nine-pence.*
 Every Continuance, *Nine-pence.*
 Entering a Committatur, *Nine-pence.*
 Entering every Warrant of Attorney, and filing, *Six-pence.*
 Entering Remittatur for Debt or Damages, *Nine-pence.*
 Drawing the Bill of Costs at large, *Nine-pence.*
 Acknowledging Satisfaction of a Judgment upon Record, *Nine-pence.*
 Making out the Estreats for levying Fines and Forfeitures in each Court, *One Shilling.*
 Each Cause contained in the List of Issues to be set up in the Clerk's Office, and in Court, when sitting, *Three-pence.*

XV. And that the Fees belonging to the CLERK OF THE ORPHANS COURT, in every County of this Province, shall be as follows, *viz.*

Clerk of the
Orphans
Court.

- F O R { DRAWING Petitions, if done by the Clerk, *Two Shillings and Six-pence.*
 Reading and filing Petitions, each *One Shilling.*
 Entering Petitions on Record, each *One Shilling and Nine-pence.*
 Entering Orders and recording, *One Shilling.*
 Copy *inde* and Seal, *Four Shillings.*
 Entering Rules for appointing Guardians, and recording, *One Shilling and Nine-pence.*
 Entering Rules for appointing Auditors to examine Accounts, *One Shilling and Nine-pence.*
 Reading, filing, and recording Report of Auditors, *One Shilling and Nine-pence.*
 Entering Order of Confirmation of Auditors Report, &c. *One Shilling and Nine-pence.*

Drawing

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 { Drawing Notice of Sale, and Copy *inde*, *Two Shillings*.
 Entering Orders for Persons to make Partition, *One Shilling* and *Nine-pence*.
 Copy of the Order of Partition, and Seal, *Six Shillings*.
 Reading, entering and filing the Return of the Partition, for every Line,
 containing not less than Twelve Words in each of them, *One Half-penny*
per Line.
 Entry of final Judgment, *One Shilling* and *Nine-pence*.
 Every Citation, *Two Shillings*.
 Drawing Pleas of Partition, and inserting the same in the Records, *Six*
Shillings.
 Every *Subpœna ad testificandum*, and Seal, *Three Shillings* and *Six-pence*.
 Every Search, *One Shilling*.
 A Copy of a Record, for every Line, not less than Twelve Words in a Line,
One Half-penny.

XVI. *PROVIDED* always, and be it further enacted by the Authority afore-
 said, That the Clerks of the Orphans Courts in every County within this Pro-
 vince shall, and they are hereby enjoined to provide good large Books, of Royal
 or other large Paper, well bound and covered, wherein they shall record, in a fair
 and legible Hand, all the Proceedings of the said Orphans Courts, held within
 the said Counties respectively, together with exact Draughts of the Lands di-
 vided by Order of the said Courts.

XVII. And that the Fees belonging to the REGISTER-GENERAL of this Pro-
 vince shall be as follows, *viz.*

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 { GRANTING and making Letters of Administration, under the Seal of Register-
 the Office, registering the same, and taking Bond, *Twelve Shillings*. General.
 Making and granting Probate of a Will, with Copy of a Will, under the
 Seal of the Office, and registering the same, *Fifteen Shillings*.
 A Copy of Letters of Administration, *Four Shillings*.
 A Citation, *Two Shillings*.
 Filing the Inventory, and certifying the Time when it was brought into the
 Office on the Back of the Bond, or, if no Bond, giving the Executors such
 Certificate, *Nine-pence*.
 A Copy thereof, if it exceed not *One Hundred Pounds*, *Three Shillings*.
 But if it amount to more, *Six Shillings*.
 A Search, *One Shilling* and *Six-pence*.
 A Quietus, *Four Shillings*.
 Every Caveat, *One Shilling*.
 Filing and entering a Renunciation, *One Shilling*.
 A Copy of an Administrator's Account, if less than one Sheet, *Four Shil-*
lings. But if more, *Three Shillings per Sheet*.
 A Copy or Exemplification of a Will under Seal, which does not go
 with the Probate, for every Line, not less than Twelve Words, *One*
Half-penny.

XVIII. And that the Fees belonging to the ATTORNIES AT LAW in this Pro-
 vince shall be as follows, *viz.*

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 { EVERY Replevin, if drawn by the Attorney, *Three Shillings*.
 All Actions they shall undertake for Plaintiff or Defendant; with Attornies:
 Declaration, *Twelve Shillings*.
 Attending every Writ of Enquiry, *Four Shillings*.
 Every Action brought to Judgment, *Twelve Shillings*.
 Writing every Writ of Enquiry, *Scire Facias*, *Venditioni Exponas*, or Exe-
 cution, *Three Shillings*.
 Drawing the Recognizance for prosecuting a Writ of Error, or *Certiorari*,
 in the Supreme Court, *Two Shillings* and *Six-pence*.
 Every Writ of Execution in that Court, *Six Shillings*.
 Drawing every Warrant of Attorney, *Six-pence*.

XIX. And that the Fees belonging to the CONSTABLES within this Province shall be as follows, *viz.*

Constables.

FOR SERVING a Warrant, *One Shilling.*
 For travelling Charges, *Two-pence* each Mile.
 For serving every Attachment, *Two Shillings.*
 For serving an Execution for a Debt not exceeding *Five Pounds, One Shilling.*
 For selling Goods taken in Execution, *Two Shillings.*

XX. And that the Fees belonging to all JURIES and INQUESTS within this Province shall be as follows, *viz.*

Jurymen.

FOR trying all Actions upon Issue joined, *Eight-pence per Man.*
 For every Inquisition on Writs of Enquiry of Damages, Elegit, Partition, or any Inquest of Office, or other Enquiry, each Man *Two Shillings per Diem.*

Witnesses.

XXI. And that every WITNESS shall have for every Day he spends in going, coming and attending to give Evidence in any Cause, *Two Shillings per Diem.*

Cryer.

XXII. And the CRYER of every Court shall have for every Action called in Court, *Nine-pence.*

XXIII. And that the Fees belonging to the SURVEYORS OF LAND within this Province shall be as follows, *viz.*

Surveyor.

FOR recording Proprietaries Warrant, and Copy directed to his Deputy Surveyor to execute it, *Two Shillings and Six-pence.*
 For every single Hundred Acres, or lesser Quantity, surveyed by him, *Seven Shillings and Six-pence.*

For every Tract of Land above One Hundred Acres, for the first Hundred, *Seven Shillings and Six-pence*, and for every Hundred above, the Sum of *Three Shillings.*

For a whole Lot, with Return and Plot, *Six Shillings.*

Which said Fees respectively shall be paid upon their delivering up the Draught or Plot, and Return of the Survey, signed with the Surveyor's own Hand, to the Owner or Possessor of the said Lands or Lots, and not before.

For searching for a Warrant or Return, and Copy thereof, each *One Shilling and Six-pence.*

For travelling Charges, *Two-pence per Mile.*

For a Search, if not found, *Nine-pence.*

And the Surveyor shall, in fair Books, record the Warrant, and shall duly prove the Draughts, and then record them.

For making a Return of the Proprietaries Warrant, after the Survey, into the Secretary's Office, recording the same, and for a Draught, *Six Shillings and Six-pence.*

Which Fees as aforesaid are to be in full of all Manner of Fees that the Surveyor, or his Deputies, by any Means whatsoever, may hereafter pretend to claim or take for any Matter or Thing relating to his said Office.

Chain-carrier.

XXIV. And that the Fees belonging to each CHAIN-CARRIER shall be after the Rate of *Three Shillings per Day*, and the Owner of the Land to find a Marker.

Collector.

XXV. And that the COLLECTOR of the KING'S CUSTOMS shall have for entering and clearing every Vessel, above Thirty Tons, in full for all the necessary Papers and other Charges, *Twenty-seven Shillings.*

Naval Officer.

XXVI. And that the NAVAL OFFICER shall have for entering and clearing every such Vessel, with all the necessary Papers, *Twenty-seven Shillings.*

Comptroller.

XXVII. And that the COMPTROLLER shall have for every Ship or Vessel, above One Hundred Tons, *Seven Shillings and Six-pence*, and for all other Vessels, above Thirty Tons, *Six Shillings.*

XXVIII.

XXVIII. *PROVIDED* always, That no Shallop or Boat, passing between this Province and the Province of *New-Jersey*, or the Three Lower Counties of *New-Castle*, *Kent* and *Sussex*; on *Delaware*, shall be liable to pay any Reward for entering or clearing, and that one general Permit for all Goods shipped on board such Shallops or Boats, to be taken from the Master's Report, shall be sufficient.

XXIX. *PROVIDED* also, and be it enacted by the Authority aforesaid, That if the Naval Officer shall refuse to cancel the Plantation Bond, on Return of Certificate, he shall be liable to pay double Damages to the Party aggrieved by such Refusal.

XXX. And that the Fees belonging to the NOTARIES-PUBLIC shall be as follows, *viz.*

FOR registering a Bill of Exchange, Promissory Note, or Bank Note, *One Shilling and Six-pence.* Notaries-
Public.

For registering a foreign Sea Protest, *Seven Shillings and Six-pence.*

For registering a Copy of such Protest, &c. *One Shilling.*

For registering an Obligation, Letter of Attorney, or Writing of the usual Length of one of these, with Probate under Seal and Certificate, *Seven Shillings and Six-pence.*

For registering a Bill of Sale, Probate, &c. *Six Shillings.*

For registering a foreign Bill of Exchange protested, with a Certificate, *Five Shillings.*

For a certified Copy of such Protest, *Five Shillings.*

For drawing and registering a common Sea Protest, Seal, &c. *Fifteen Shillings.*

For drawing and registering a Protest against Merchant, for detaining a Ship beyond proper Time, with Answer and Persistence to protest, with Seal and registering, *Thirty Shillings.*

For a certified Copy, under Seal, of a common Sea Protest, *Ten Shillings.*

For a certified Copy of Protest against Merchant, &c. *Fifteen Shillings.*

For Attestation to a Letter of Attorney, under Seal, *Four Shillings and Six-pence.*

For Notarial Affidavit to an Account, under Seal, *Four Shillings.*

For Protest of Bill of Exchange for Non-acceptance or Non-payment (or Promissory Note for Non-payment) and registering, Seal, &c. *Six Shillings.*

XXXI. And that the Fees belonging to the JUDGE OF THE ADMIRALTY shall be as follows, *viz.*

FOR every final Sentence or Condemnation Fee, *Twenty Shillings.*

For attesting all Depositions, *Four Shillings.*

For every Stipulation made before him, *Eight Shillings.*

Judge of the
Admiralty.

XXXII. And that the Fees belonging to the REGISTER OF THE ADMIRALTY COURT shall be as follows, *viz.*

FOR filing every Libel, Petition, Answer, Depositions, or any other Matter, *One Shilling and Six-pence.* Register of
the Admi-
ralty.

For every Matter entered in the Minutes, or on Record, computing One Hundred and Five Words to a Side, and so *pro Rato per Side*, *One Shilling and Six-pence.*

For every Copy of Libel, Petition, Answer, Depositions, or any other Matter, *per Side*, *One Shilling and Six-pence.*

For every Writ under Seal, *Six Shillings*, except judicical Writs, which are to be *per Side*, *One Shilling and Six-pence.*

For filing Bill of Cost, *One Shilling and Six-pence.*

For Copy Bill of Cost, *One Shilling and Six-pence.*

For entering and signing Decree or Judgment, *Six Shillings.*

For attesting every Evidence in Court, *Nine-pence.*

For Issue and Rule, *Four Shillings and Six-pence.*

For drawing every Deposition, *per Side*, *One Shilling and Six-pence.*

And for every other Service not herein mentioned, *per Side*, and so *pro Rato*,
One Shilling and Six-pence. XXXIII.

XXXIII. And that the Fees belonging to the MARSHAL OF THE ADMIRALTY COURT shall be as follows, *viz.*

Marshal of
the Admir-
alty.

FOR serving every Writ for seizing a Vessel, *Four Shillings and Six-pence.*
For serving every Writ against the Commander, *Four Shillings and Six-pence.*

For *Subpæna*, every Witness, *Two Shillings.*

For every *Non est inventus* on Writ of *Subpæna*, *One Shilling.*

For attesting every Evidence in Court, *One Shilling and Six-pence.*

For *Subpæna* Appraisers, *Seven Shillings and Six-pence.*

For every Proclamation, *Two Shillings and Six-pence.*

For serving every Writ of Attachment, *Four Shillings and Six-pence.*

For every Vessel acquitted, *Ten Shillings.*

For any Service, when obliged to travel from Home, at the Rate of *Three-pence per Mile*, besides Ferriages and necessary Expences, to be allowed by the Judge, on Proof being made thereof.

Defective In-
dictments to
be drawn
over again,
gratis.

XXXIV. AND if any Attorney-General, Clerk of any of the said Courts, or other Person, draw any Indictment or Information defective, they shall draw new Bills or Informations *gratis*, or forfeit *Five Pounds*, with full Costs, to be recovered as hereafter directed.

Tables of
Fees to be
set up.

XXXV. AND be it further enacted by the Authority aforesaid, That all and every the respective Officers and Attornies at Law, whose Fees are herein before respectively ascertained, limited and appointed, shall, and are hereby required to make fair Tables of their Fees respectively, according to this Act, and to publish and to set up the same in Manner following, *viz.* The Fees of the respective Courts, in the said Courts, from Time to Time, during the Sitting of the said Courts; and the Fees of other Officers, in their respective Offices, within Three Months after the Publication hereof, where it shall be constantly exposed to View and Inspection of all Persons who have Business in the said Office.

Attornies,
&c. demand-
ing greater
Fees, forfeit,
&c.

XXXVI. AND if any Attorney at Law, or Officer herein before mentioned, shall neglect or delay to make and set up the Tables of their Fees, as herein before limited and appointed by this Act, or shall, by Colour of any Law, Custom or Usage of this Province, or *Great-Britain*, take, directly or indirectly, any more, greater, or other Fees than is herein before appointed, for the doing, acting or performing any of the Matters or Things herein before enumerated; or shall make Demand of any Fees, without giving the Party of whom such Fees shall be demanded a Bill of Particulars, signed by him, if required; or shall refuse, upon Demand, to give the Party a Receipt or Discharge under his Hand for the Fees, upon Payment thereof, every such Person or Officer shall forfeit and pay, for the first of every such Offence, the Sum of *Ten Pounds*, current Money of this Province; and for the second Offence, the Sum of *Twenty Pounds*, Money aforesaid; one Half to the Governor, for the Support of this Government, and the other Half to him or them that shall sue for the same: Which, with the Penalties and Forfeitures aforesaid, shall be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law, or more than one Imparance, shall be allowed. And for the third, and every other Offence, be displaced or removed out of his Office, if held by Commission under this Government, any Law, Custom or Usage to the contrary notwithstanding.

XXXVII. AND it shall and may be lawful for any Person to refuse Payment of Fees to any such Officer, who shall neglect to set up in his Office the Table of his Fees, as herein before enjoined.

XXXVIII. AND be it further enacted by the Authority aforesaid, That no Attorney or Practitioner at Law shall be admitted to make any Plea at the Bar, except in his own Case, without taking the following Qualification, by Oath or Affirmation, *viz.*

THOU

THOU shalt behave thyself in the Office of Attorney within the Court according to the best of thy Learning and Ability, and with all good Fidelity, as well to the Court as to the Client: Thou shalt use no Falshood, nor delay any Person's Cause for Lucre or Malice.

Attorney's
Qualifica-
tion.

XXXIX. *AND be it further enacted by the Authority aforesaid, That from and after the Publication of this Act, the several Laws of this Province for regulating and establishing Fees, made and passed in the Ninth Year of the Reign of the late Queen ANNE, and the First and Ninth Years of the Reign of King GEORGE the First, and every Article, Clause or Thing therein, or in any of them contained, shall be and are hereby repealed and made void, to all Intents and Purposes whatsoever.*

Repeal of
former Acts.

Passed *August 22, 1752.*—Recorded A, Vol. III. p. 253.

C A P. VIII.

An ACT for regulating Attachments not exceeding *Five Pounds*.

WHEREAS in the Execution of a Law of this Province, passed in the Twelfth Year of the Reign of King WILLIAM the Third, intituled, *An Act about Attachments under Forty Shillings*, many fraudulent Practices have happened, not only to the Injury of such Creditors, whose Demands have exceeded the Sums in the said Act limited, but of such other Creditors also as were willing to accept of an equal Share of their Debtors Effects, in Proportion to their Demands, and not have them wasted in needless Prosecutions. And whereas the legal Proceedings now used for the Recovery of Debts above *Forty Shillings*, and not exceeding *Five Pounds*, by Attachments, are generally attended with so much Expence as to consume a large Part of the Debtor's Estate, to the great Loss and Injury of both Debtors and Creditors: For remedying these Evils, **BE IT ENACTED** by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and of the Counties of *New-Castle, Kent and Suffex, upon Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Person shall absent him or herself out of this Government, or abscond from his or her usual Place of Abode, not taking Care to satisfy his or her just Debts, it shall and may be lawful for any Justice of the Peace of the County, where such Person's Estate may be found, to grant a Writ of Attachment for any Debt not exceeding *Five Pounds*, directed to any Constable of the same County, to attach the Goods and Chattels or other Effects of such Person to answer the Creditor; but, before the granting any such Attachment, the Person or Persons requesting the same, or some other credible Person or Persons for him or them, shall, upon Oath or Affirmation, declare that the Defendant, in such Attachment, is indebted to the Plaintiff therein named in a Sum not exceeding *Five Pounds*, and that the Defendant is and has been absconded from the Place of his usual Abode for the Space of Six Days, with Design to defraud his Creditors, as is believed, and that the Defendant has not left a clear Fee-simple Estate in Lands or Tenements within this Province sufficient to pay his Debts, so far as the Plaintiff or Deponent knows or believes; which Oath or Affirmation the Justice of the Peace, that grants such Writ, is hereby impowered and required to administer: And if any Attachment be granted out otherwise, or contrary to the true Intent and Meaning hereof, the Justice of the Peace so granting the same shall, for every such Offence, forfeit the Sum of *Five Pounds*, for the Use of him or her that will sue for the same.

Preamble.

4 ANNE,
Cap. 28.
9 GEO. I.
Cap. 3.
13 GEO. III.

Goods of
Debtors ab-
senting
themselves
may be at-
tached.

Penalty on
Justices ab-
senting contrary.

II. *AND be it further enacted by the Authority aforesaid, That as soon as the Justice of the Peace, before whom the Writ of Attachment is returnable, accepts the Constable's Return thereof, the said Justice shall immediately appoint two substantial Freeholders to take into their Custody all the Goods and Chattels attached, for which they shall be accountable, until they shall dispose of the same as herein after is directed, and shall also forthwith publish his said Proceedings by Advertisements, in the most public Places near the late Dwelling-place of the*

Form of
Process.

If a Debt above Five Pounds appears, the Proceedings to be transmitted to the Court of Common Pleas.

Person so as aforesaid absents, and likewise in one or more of the public Newspapers within this Province, appointing the Time and Place for all the Creditors of the Person, against whose Effects and Estate the Attachment is granted, to appear, then and there to discover and make Proof of their Demands; and if, after a full and careful Examination, it shall appear that there is a just Debt due to any one Person from the said Defendant, exceeding the Sum of *Five Pounds*, that then and in every such Case the said Justice of the Peace shall no further proceed, but shall deliver and certify to the Prothonotary of the County Court of Common Pleas for the same County the said Attachment, and all Proceedings thereon had before him; whereupon it shall and may be lawful for the Justices of the said Court to grant and issue one Writ of Attachment only to the Person or Persons, who obtained the said Attachment from the said Justice of the Peace, if he demands the same, or if not, then to any other Creditor of the Defendant, to the Sheriff of the same County directed, requiring him to attach all the Goods, Chattels, Rights and Credits, Lands, Tenements and Hereditaments, of the said Defendant within his Bailiwick: By Virtue of which Writ, the said Sheriff shall, together with the Residue of the said Defendant's real and personal Estate in the same County, attach and take into his Custody all the Goods and Chattels of the said Defendant, or the Product of such Part of them as may be sold according to the Direction of this Act, then in the Hands and Possession of the said Freeholders; and that upon the Return of the said Writ of Attachment by the said Sheriff, the Justices of the said Court of Common Pleas, and all other Persons acting under their Authority, shall proceed thereon in like Manner, and shall have the same Jurisdiction and Powers for the discovering, selling, collecting, compelling Payment of, receiving and distributing the Estate, real and personal, of the Defendant amongst his Creditors, as they might or could have had if the said Writ of Attachment had, according to the Laws of this Province heretofore made, issued out of the same Court.

No second Attachment to issue in the same County.

III. *AND be it further enacted by the Authority aforesaid*, That when any Attachment shall be granted by any Justice of the Peace, or any Writ of Attachment shall issue out of any County Court, according to the Directions of this Act, no second or other Attachment, or Writ of Attachment, granted or issued by the said Justice, or any other Justice within the same County, or by the Justices of the same County Court, against the real or personal Estate of the same Defendant, or the Execution of them, or any of them, shall bind or affect the Right, Title, Interest or Property, of or in the real or personal Estate of the same Defendant within the same County, or any Part thereof, while the Proceedings on the said first Attachment, or Writ of Attachment, remain undetermined, any Law, Usage or Custom of this Province to the contrary notwithstanding.

Chargeable and perishable Goods may be sold after Six Days Notice.

IV. *AND be it further enacted by the Authority aforesaid*, That when the said Justice of the Peace shall accept of the Return of an Attachment from the Constable as above directed, if it shall appear to the same Justice, that any Cattle or other Chattels necessary to be maintained at Expence, or any perishable Goods have been attached by Virtue of the same Attachment, it shall and may be lawful for the same Justice to order Sale of them to be made by the said Freeholders within Ten Days, of which public Notice shall be given, at least Six Days before the Sale thereof, by Advertisements, to be set up at the most public Places near the Place of Sale; and that the Money arising therefrom shall be lodged in the Hands of the Freeholders aforesaid, to be attached or distributed among the Creditors, in the Manner herein before or hereafter directed and appointed.

The Residue to remain unsold Three Months.

V. *AND be it further enacted by the Authority aforesaid*, That if no such Debt exceeding *Five Pounds* shall, to the said Justice of the Peace, appear to be due from the said Defendant, then the said Goods, Chattels and other Effects, in the Hands of the said Freeholders, shall be brought to an Appraisement, but not sold, except as is herein before excepted, until the Expiration of Three Months next after the granting the Attachment, to the End that the Debtor may have Time to redeem them, if he see Cause, any Law of this Government to the contrary in any wise notwithstanding. And if, after the Expiration of Three Months as aforesaid, the Debtor shall not appear and redeem them, on Notice thereof given to the Justice of the Peace, he shall forthwith order and direct the said Freeholders to make Sale thereof; and out of the Money arising therefrom, and

all other Money then in their Hands, from any Part of the Defendant's Estate arising, reasonable Charges first deducted, to make Payment to the Creditors, who shall appear and make Proof of their Debts within the said Three Months, in Proportion of their respective Debts; and the Overplus, if any, to be returned to the Owner: But before any such Sale is made, the Freeholders aforesaid shall give at least Ten Days Notice thereof, by advertising in the most public Places the Time and Place of such Sale. And that the Constable shall receive *Two Shillings* for serving an Attachment, and *Three Shillings* for serving an Execution, and no more.

Ten Days
before Sale
public No-
tice to be giv-
en thereof.

VI. *AND be it further enacted by the Authority aforesaid*, That the Freeholders aforesaid, within Six Days next after making Sale and Distribution as is herein before directed, shall render a true Account of their Proceedings to the Justice of the Peace who granted the Attachment, to be by him kept as a Record of their Proceedings therein.

VII. *AND be it further enacted by the Authority aforesaid*, That the Act of General Assembly of this Province aforesaid, intituled, *An Act about Attachments under Forty Shillings*, passed in the Twelfth Year of the late King WILLIAM the Third, be, and it is hereby repealed and made void.

Repeal of a
former Act.

Passed August 22, 1752.—Recorded A, Vol. III. p. 249.

At the COURT at *St. James's*, the Tenth Day of *May*, 1753.

P R E S E N T.

The KING's most Excellent MAJESTY,

Lord President,	Lord <i>Delawarr</i> ,	Sir <i>John Rushout</i> ,
Lord Chamberlain,	Lord <i>Berkley of Stratton</i> ,	<i>George Dottington</i> , Esq;
Duke of <i>Dorset</i> ,	Lord <i>Bathurst</i> ,	Sir <i>John Ligonier</i> ,
Earl of <i>Cholmondely</i> ,	Lord <i>Anson</i> ,	<i>Henry Legge</i> , Esq;
Earl of <i>Halifax</i> ,	Mr. Comptroller,	Sir <i>Thomas Robinson</i> ,
Earl <i>Fitz Walter</i> ,	Mr. Vice Chamberlain,	Sir <i>George Lee</i> .
Earl of <i>Buckinghamshire</i> ,	<i>Horatio Walpole</i> , Esq;	

WHEREAS, in Pursuance of the Powers granted to the Proprietaries of the Province of *Pennsylvania*, by Letters Patent, under the Great Seal, the Deputy Governor, Council and Assembly, of the said Province, did, in the Years 1750, 1751 and 1752, pass Twelve Acts, which have been transmitted, and are intituled as follow, viz.

An Act for explaining and ascertaining the Boundary Line between the Counties of York and Cumberland, in the Province of Pennsylvania. Passed the 9th of February, 1750.

An Act for the more effectual preventing Accidents which may happen by Fire, and for suppressing Idleness, Drunkenness and Debauchery. Passed the 9th of February, 1750.

An Act for the better regulating the nightly Watch within the City of Philadelphia, and for enlightening the Streets, Lanes and Alleys of the said City, and for raising of Money on the Inhabitants of the said City for defraying the necessary Expences thereof. Passed the 9th of February, 1750.

An Act to encourage the establishing of an Hospital, for the Relief of the sick Poor of this Province, and for the Reception and Cure of Lunatics. Passed the 11th of May, 1751.

An Act for erecting Part of the Counties of Philadelphia, Chester and Lancaster, into a separate County. Passed the 11th of March, 1752.

An Act for erecting the North-west Part of Bucks into a separate County. Passed the 11th of March, 1752.

An Act to regulate the Assize of Bread. Passed the 11th of March, 1752.

An Act to prevent Disputes about the Dates of Conveyances, and other Instruments and Writings. Passed the 11th of March, 1752.

An

An Act for directing the Choice of Inspectors in the Counties of Chester, Lancaster, York, Cumberland, Berks and Northampton. Passed the 11th of March, 1752.

An Act for preventing Bribery and Corruption in the Election of Sheriffs and Coroners within this Province. Passed the 11th of March, 1752.

An Act for regulating and establishing Fees. Passed the 22d of August, 1752.

An Act for regulating Attachments not exceeding Five Pounds. Passed the 22d of August, 1752.

His Majesty this Day took the said Acts into Consideration; and having received the Opinion of the said Lords Commissioners for Trade and Plantations, and also of a Committee of the Lords of his Majesty's most honourable Privy Council, thereupon, is hereby pleased to declare his Approbation of the said Acts; and, pursuant to his Majesty's Royal Pleasure thereupon expressed, the said Acts are hereby confirmed, finally enacted, and ratified accordingly. Whereof the Deputy Governor, Council and Assembly, of the said Province, and all others whom it may concern, are to take Notice, and govern themselves accordingly.

W. SHARPE.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1754, in the Twenty-eighth Year of GEORGE II. and continued by Adjournments to the Thirtieth Day of *September* following.

C A P. I.

An ACT to prevent the Exportation of Provisions, naval or warlike Stores, from this Province to *Cape-Breton*, or to any other the Dominions of the French King, or Places at present in Possession of any of his Subjects.

Passed April 5, 1755.—Recorded, A, Vol. III. p. 304.—Expired.

C A P. II.

An ACT to continue an Act, intituled, *An Act to prevent the Exportation of Provisions, naval or warlike Stores, from this Province to Cape-Breton, or to any other the Dominions of the French King, or Places at present in Possession of any of his Subjects.*

Passed June 18, 1755.—Recorded A, Vol. III. p. 308.—Expired.

C A P. III.

An ACT for striking the Sum of *Ten Thousand Pounds* in Bills of Credit, to exchange such of those now by Law current within this Province, as are torn and defaced.

Passed June 28, 1755.—Recorded A, Vol. III. p. 310.—Obsolete.

C A P. IV.

An ACT for extending so much of an Act of Parliament, intituled, *An Act for punishing Mutiny and Desertion, and for the better Payment of the Army, and their Quarters*, passed in the Twenty-eighth Year of the present Reign, as relates to the Quartering and Billetting of Soldiers, and Payment of their Quarters, in that Part of *Great-Britain* called *England*.

Passed August 15, 1755.—Recorded A, Vol. III. p. 315.

C A P. V.

An ACT to continue an Act, intituled, *An Act for directing the Choice of Inspectors in the Counties of Chester, Lancaster, York, Cumberland, Berks and Northampton.*

Passed September 27, 1755.—Recorded A, Vol. III. p. 365.—Expired.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1755, in the Twenty-ninth Year of GEORGE II. and continued by Adjournments to the Twenty-eighth Day of *September* following.

C A P. I.

An ACT for the better ordering and regulating such as are willing and desirous to be united for Military Purposes within this Province.

Passed November 25, 1755.—Recorded A, Vol. III. p. 342.

C A P. II.

An ACT for granting the Sum of *Sixty Thousand Pounds* to the King's Use, and for striking *Fifty-five Thousand Pounds* thereof in Bills of Credit, and to provide a Fund for sinking the same.

Passed November 27, 1755.—Recorded A, Vol. III. p. 328.—Obsolete.

C A P. III.

An ACT for the Relief of *George Croghan* and *William Trent*, for and during the Space of Ten Years.

Passed December 3, 1755.—Recorded A, Vol. III. p. 317.—Repealed in Council.

C A P. IV.

An ACT for dispersing the Inhabitants of *Nova-Scotia*, imported into this Province, into the several Counties of *Philadelphia*, *Bucks*, *Chester* and *Lancaster*, and the Townships thereof, and making Provision for the same.

Passed March 5, 1756.—Recorded A, Vol. III. p. 320.—Repealed.

C A P. V.

An ACT for regulating the Officers and Soldiers commissioned and raised by the Governor, for the Defence of this Province.

Passed April 15, 1756.—Recorded A, Vol. III. p. 325.—Repealed and Expired.

C A P. VI.

An ACT for the more effectual obstructing the Exportation of Provisions and Warlike Stores from the Province of *Pennsylvania*.

Passed May 18, 1756.—Recorded A, Vol. III. p. 346.—Expired.

C A P. VII.

An ACT for regulating and continuing the nightly Watch, and enlightening the Streets, Lanes and Alleys, of the City of *Philadelphia*, and for raising of Money on the Inhabitants and Estates of the said City, for defraying the necessary Expences thereof.

Passed September 15, 1756.—Recorded A, Vol. III. p. 349.—Expired.

C A P. VIII.

An ACT for striking the Sum of *Thirty Thousand Pounds* in Bills of Credit, and giving the same to the King's Use, and for providing a Fund to sink the Bills so to be emitted, by laying an Excise upon Wine, Rum, Brandy, and other Spirits.

WHEREAS the large Sums already granted by this Province to the King's Use (whereby the Public is become considerably indebted, and the People burdened with Taxes) are found insufficient, and the Monies arising from the

Preamble.
12 GEO. III.
Cap. 16.

said Grants are expended; yet forasmuch as the King's Service, and the present critical Circumstances of this Province, require immediate additional Supplies, We, the Representatives of the Freemen of the Province of *Pennsylvania*, being desirous of demonstrating our Duty to our Sovereign, and willing to give further Testimony of our Loyalty and the most sincere Affection of his loving Subjects within this Province, do pray that it may be enacted, AND BE IT ENACTED by the Honourable WILLIAM DENNY, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That Bills of Credit to the Value of *Thirty Thousand Pounds*, current Money of *America*, according to an Act of Parliament, made in the Sixth Year of the Reign of the late QUEEN ANNE, for ascertaining the Rates of foreign Coins in the Plantations of *America*, shall be prepared and printed within two Months next after the Passing of this Act, on good strong Paper, under the Care and Direction of the Trustees of the General Loan-Office for the Time being, the Charges whereof to be paid by the Provincial Treasurer, out of the first Monies to arise by Virtue of this Act. Which Bills shall be made and prepared in the Manner and Form following, and no other, viz.

Thirty Thousand Pounds to be struck in Bills of Credit.

Their Form. *THIS Bill shall pass current for ————— within the Province of Pennsylvania, according to an Act of General Assembly of the said Province, made in the Thirtieth Year of the Reign of King GEORGE II. Dated the First Day of October, One Thousand Seven Hundred and Fifty-six.*



AND the same Bills shall have such like Escutcheons as in the Margin hereof, with such other Devices on the said Bills as the said Trustees shall think fit, as well to prevent Counterfeits, as to distinguish their several Denominations; each of which Bills shall be of the several and respective Denominations following, and no other, viz.

And Denominations.

TWELVE Thousand of the same Bills, the Sum of *Twenty Shillings* in each of them.

TWELVE Thousand of the same Bills, the Sum of *Fifteen Shillings* in each of them.

TWELVE Thousand of the same Bills, the Sum of *Ten Shillings* in each of them.

TWELVE Thousand of the same Bills, the Sum of *Five Shillings* in each of them.

AND the Trustees shall use the best of their Care, Attention and Diligence, during the printing of the said Bills, that the Number and Amount thereof, according to their respective Denominations aforesaid, be not exceeded, nor any clandestine or fraudulent Practice used by the Printer, his Servants, or others concerned therein.

II. AND for perfecting the said Bills, to make them current within this Province, according to the true Intent and Meaning of this Act, *Be it further enacted by the Authority aforesaid*, That all and every of the said Bills shall be signed by three of the Persons hereafter named; that is to say, *William Grant, Joseph Richardson, James Benezet, Samuel Wharton, Joseph Wharton, jun. Daniel Rundle, Peter Chevalier, William Hopkins, Stephen Wooley, Joshua Howell, Joseph Galloway, George Bryan, Charles Thompson, Isaac Paschall, Charles Jones, John Sayre, Francis Rawle, Thomas Wharton, Joseph Saunders, Peter Reeve, Joseph Morris, Samuel Smith, John Rhea, Thomas Smith, Jacob Cooper, William Fisher, Joseph Redman, and Luke Morris*, who are hereby nominated and appointed to be Signers of the said Bills; and shall, before they receive or sign any of the said Bills, take an Oath or Affirmation to the following Effect, viz.

THAT

Signers Names.

THAT they shall well and truly sign and number all the Bills of Credit that shall come to their Hands for that Purpose, by the Direction of this Act; and the same, so signed and numbered, will deliver, or cause to be delivered, unto the Trustees of the General Loan-Office of the Province of Pennsylvania, pursuant to the Direction of this Act.

Signers
Qualifica-
tion.

AND for avoiding the Danger of Embezzlement or Misapplication of any of the said Bills of Credit, *It is hereby further enacted, ordained and provided,* That the said Trustees, after the said Bills are printed, shall deliver them to the said Signers, to be signed and numbered, by Parcels, for which the said Signers, or some of them, shall give their Receipt; that is to say, *One Thousand Pounds* Value in the said Bills at one Time; and so from Time to Time, until all the said Bills of Credit shall be signed and numbered; yet so as that the said Trustees shall not deliver any other of the said Bills to the Signers aforesaid, whilst the Sum in their Custody exceeds *One Thousand Pounds*. Of all which Bills of Credit, so delivered to be signed by the Trustees, true Account shall be kept by the Signers, who, upon their Re-delivery of each or any Parcel of the said Bills of Credit, by them signed and numbered, to the Trustees of the General Loan-Office, shall take the Receipt of the said Trustees, to charge them before any Committee of the Assembly to be appointed for that Purpose.

AND each of the said Signers shall have *Fifteen Shillings* for every Thousand of the aforesaid Bills by them signed and numbered, to be paid by the Provincial Treasurer out of the first Excise Money that shall come to his Hands by Virtue of this Act. And if any of the Persons before nominated to be Signers shall happen to die, neglect or refuse, or be rendered incapable of doing his or their Duty by this Act required, the Assembly for the Time being shall or may appoint some other Person or Persons in his or their Stead, from Time to Time, until all the Bills hereby directed to be made be wholly signed and numbered as aforesaid.

Signers Al-
lowance.

III. AND whereas the Commissioners nominated and appointed by the Act heretofore passed by this Assembly, intituled, *An Act for granting the Sum of Sixty Thousand Pounds to the King's Use, and for striking Fifty-five Thousand Pounds thereof in Bills of Credit, and to provide a Fund for sinking the same,* have, with the Consent of the Governor, already expended the Sum of *Fifty-five Thousand Pounds*, and have entered into Contracts for the King's Service, exceeding (after the Proprietaries free Gift be fully paid) the whole Sum of *Sixty Thousand Pounds*, granted by the said Act: *Therefore be it further enacted by the Authority aforesaid,* That when the said Bills are signed and perfected, the Commissioners herein after named, or the major Part of them, or of the Survivors of them, shall, and they are hereby impowered to discharge and pay all such Debts, as the Commissioners, appointed by the Act herein before mentioned for granting *Sixty Thousand Pounds* to the King's Use, shall certify under their Hands, or the Hands of a Majority of them, to be Debts justly due, and contracted for the King's Service, and properly chargeable to this Province.

Commis-
sioners, ap-
pointed by
this Act, to
discharge the
Provincial
Debts certi-
fied by the
former, Com-
missioners.

IV. *AND be it further enacted by the Authority aforesaid,* That *Isaac Norris, Lyn-Ford Lardner, John Mifflin, Benjamin Franklin, Joseph Fox, John Hughes,* and *William Masters*, Esquires, or the major Part of them, or of the Survivors of them, with the Consent and Approbation of the Governor, or Commander in Chief of this Province for the Time being, and not otherwise, shall order and appoint the Disposition of the Residue of the Monies arising by Virtue of this Act for the King's Use. And that the said *Isaac Norris, Lyn-Ford Lardner, John Mifflin, Benjamin Franklin, Joseph Fox, John Hughes,* and *William Masters*, or a Majority of them, or of the Survivors of them, shall, and they are hereby impowered and required, as often as there shall be Occasion for Money for the Purposes aforesaid, to draw Orders upon the Trustees of the General Loan-Office, which Orders so drawn and paid shall be produced to the Committees of Assembly for the Time being, and by them allowed in Discharge of so much of the Money granted to the King's Use by Virtue of this Act. And the said Orders, so as aforesaid paid, shall be sufficient to discharge the said Trustees, their Executors, Administrators and Assigns, of and from so much of the said *Thirty Thousand Pounds* as shall be specified in the said Orders. And the said Commissioners, for their

Appoint-
ment of the
Commis-
sioners to
dispose of
the Money
arising by
this Act.

Commiss-
sioners and
Trustees Al-
lowance.

The Bills to
be current
till October 1,
1766, &c.

Counterfeit-
ers, &c. to
suffer Death.

Informers
Reward.

Persons al-
tering Bills
how punish-
ed, &c.

Provincial
Treasurer to
pay Three
Thousand
Pounds year-
ly, for ten
Years, to the
Trustees.

their Trouble in discharging the Duties required of them by this Act, shall have and receive *One per Centum* on the whole Sum of the Orders by them drawn, and no more. And the Trustees, for receiving and paying the said Bills, shall have and receive *Ten Shillings* for every *Hundred Pounds*, and no more.

V. *AND be it further enacted by the Authority aforesaid*, That all the aforesaid Bills of Credit, to be made as this Act directs, shall be current Bills of this Province until the First Day of *October*, in the Year One Thousand Seven Hundred and Sixty-six, and no longer. And as such, during the said Term, be received in Payments for the Discharge of all Manner of Debts, Rents, Sum and Sums of Money whatsoever, due, payable, or accruing upon, or by Reason of any Mortgage, Bill, Bond, Specialty, Note, Book-account, Promise, or other Contract or Cause whatsoever, as if the same were tendered or paid in the Coins mentioned in such Bond, or other Writing, Book-account, Promise, Assumption, or any other Contract or Cause whatsoever, and at the Rates ascertained in the said Act of Parliament, and shall be so received in all Payments by all Persons whatsoever.

VI. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall presume to counterfeit any of the said Bills of Credit made current by this Act, by printing or procuring the same to be printed in the Likeness of the said genuine Bills of Credit; and also, if any Person or Persons shall forge the Name or Names of the Signers of the true Bills of Credit to such counterfeit Bills, whether the Counterfeiting of the said Bills or Names be done within this Province or elsewhere, or shall utter such Bills, knowing them to be so counterfeited as aforesaid, and being thereof legally convicted, by Confession, standing mute, or by the Verdict of twelve Men, in any Court of Record within this Province, he, she or they, shall suffer Death, without Benefit of the Clergy. And the Discoverer or Informer shall have, as an Encouragement for his Discovery, the Sum of *Fifty Pounds*, of the Goods and Chattels, Lands and Tenements of the Person convicted; and if no such Goods and Chattels can be found, then the Treasurer shall pay to such Informer or Discoverer, his Executors, Administrators or Assigns, the Sum of *Ten Pounds*. And if any Person or Persons shall counterfeit any of the said Bills of Credit of this Province, by altering the Denomination of the said Bills, with Design to increase the Value of such Bills, or shall utter such Bills, knowing them to be so counterfeited or altered as aforesaid, and shall thereof be legally convicted in any Court of Record in this Province, such Person or Persons shall be sentenced to the Pillory, and to have both his or her Ears cut off and nailed to the Pillory, and to be publicly whipped on his or her bare Back with Thirty-one Lashes well laid on: And moreover, every such Offender shall forfeit the Sum of *One Hundred Pounds*, lawful Money of *Pennsylvania*, to be levied on his and her Lands and Tenements, Goods and Chattels, the one Half to the Use of the Governor, and the other Half to the Discoverer; and the Offender shall pay to the Party grieved double the Value of the Damages thereby sustained, together with the Costs and Charges of Prosecution. And in case the Offender hath not sufficient to satisfy the Discoverer for his or her Damages and Charges, and pay the Forfeiture aforesaid, in such Case the Offender shall, by Order of the Court where he or she was convicted, be sold for any Term not exceeding seven Years for Satisfaction; and in such Case the said Treasurer shall reward the Discoverer of such insolvent Offender to the Value of *Five Pounds*. And every such counterfeit Bill shall be delivered to the said Treasurer, to be made Use of upon the Trial of the Person accused or suspected, and afterwards to be burnt or destroyed by the said Treasurer, in the Presence of a Committee of Assembly.

VII. *AND be it further enacted by the Authority aforesaid*, That the Treasurer of this Province for the Time being shall, out of the Money paid into his Hands by Virtue of this Act, yearly and every Year, for the Space of Ten Years next ensuing the First Day of *October*, in the Year One Thousand Seven Hundred and Fifty-six, pay into the Hands of the Committees of Assembly, yearly appointed to settle the Public Accounts, *Three Thousand Pounds* in Bills of Credit of this Province, which shall yearly, during the Term last aforesaid, be by the said Committees burnt and destroyed.

VIII. *AND*

VIII. AND to the End the *Thirty Thousand Pounds* in Bills of Credit, so as *Thirty Thousand Pounds* to be sunk *Be it further enacted by the Authority aforesaid*, That there shall be, throughout this Province, raised, levied, collected and paid, for all Rum, Brandy and other Spirits, sold, drawn or bartered, by any Person or Persons whatsoever, by any Quantity under Seventy Gallons; and for all Wine sold, drawn or bartered, under the Quantity of One Hoghead, and to be delivered at one Time, and to one Person, at any Time after the First Day of *October*, One Thousand Seven Hundred and Fifty-six, and during the Space of Ten Years next following, and for so long after as until the End of the then next Session of Assembly, the Rate or Sum of *Four-pence per Gallon*, and so proportionably for a greater or lesser Quantity.

Four-pence per Gallon.
12 GEO. III.
Cap. 16.
Sect. 7.

IX. AND be it further enacted by the Authority aforesaid, That every Retailer of all or any of the said Liquors, before he or they draw, sell or barter, any of the said Liquors, shall enter his or her Name, and Place of Abode, with the Collectors of the respective Counties herein after appointed, or their Deputies, in Books to be by them kept for that Purpose; and shall also take and have from the said Collectors, or their Deputies respectively, a Permit for drawing or selling such Liquors; for which Entry and Permit they shall pay *One Shilling*, and no more.

Retailer shall take a Permit.
12 GEO. III.
Cap. 16.
Sect. 8.

X. PROVIDED always, That no such Permit be granted to any Person or Persons to retail the Liquors aforesaid, the Rates and Duties whereof, by this Act imposed, do not amount to the Value of *Three Pounds per Annum*, and so in Proportion for a lesser Time, unless such Retailer or Retailers, at the Time of their obtaining such Permit as aforesaid, will undertake and give Security, if thereunto required by the said Collectors respectively, well and truly to pay so much to the said Collectors, as shall make up the Rates and Duties, by this Act imposed, the Sum of *Three Pounds per Annum*, and so proportionably for a longer or shorter Time.

To pay at least *Three Pounds of Duty per Annum*.
12 GEO. III.
Cap. 16.
Sect. 8.

XI. AND all such Retailers, and every of them, are hereby enjoined once in every three Months, or oftener if required, to make true and particular Entries with the Collectors, or their Deputies aforesaid respectively, upon Oath or Affirmation (which the said Collectors, or their Deputies, are hereby fully empowered to administer) of all Wine, Rum, Brandy, and other Spirits, which they, or any of them, shall have vended, bartered or retailed, within that Time, and so from Time to Time, during the Continuance of this Act, and shall and are hereby required to account and pay to the said Collectors, or their Deputies respectively, once in every three Months, or oftener if required, all such Sum and Sums of Money as shall become due and payable by Virtue of this Act.

12 GEO. III.
Cap. 16.
Sect. 8.
9. Retailers to make Entry of all Wine, &c. by them retailed, and pay once in three Months.

XII. AND be it further enacted by the Authority aforesaid, That all and every Retailer of all or any of the Liquors aforesaid shall, on the Entry of their Names and Places of Abode with the Officers aforesaid, give unto the said Collectors, or their Deputies, an exact and true Account of all Wine, Rum, Brandy, and other Spirits, which shall be in their Possession at the Time of Entry aforesaid, and of whom purchased; for which Entry the said Retailer shall pay *Six-pence*, and no more.

Shall give Account of Liquors in their Possession.
12 GEO. III.
Cap. 16.
Sect. 8.

XIII. AND be it further enacted by the Authority aforesaid, That all and every Retailer of all or any of the Liquors aforesaid, shall also, from Time to Time, from and after the First Day of *October* next, before they load, or cause to be loaded into any Vessel, or put into any Cart, Waggon, Dray, or any other Carriage, for Transportation, and before they remove or cause to be removed from the Houses, Shops, Cellars, Vaults, Stores, or Places where purchased, any Cask or Quantity of Liquors, liable to pay the Duties imposed by this Act, make Entry with the Collector of the City and County of *Philadelphia*, of all and every such Cask or Quantity of Liquors, with the Marks, Numbers and Contents thereof, and of whom purchased. And the Collector of the City and County of *Philadelphia* shall certify to the Collectors of the Counties respectively, under his Hand, the Entries so as aforesaid made, of all Quantities of Liquors, liable to pay the Duties imposed by this Act, transported into the several Counties, in order that the Collector or Collectors of the respective Counties may make Entry thereof accordingly; for which Entry and Certificate, the Collector of the City and County of *Philadelphia* shall receive *Six-pence*, and no more.

Before they remove any Liquors, to enter with the Collector of *Philadelphia*, who is to certify the same to the other County Collectors respectively.
12 GEO. III.
Cap. 16.
Sect. 10.

Liquors purchased in New-Jersey, &c. and retailed within this Province, to be entered, &c.

12 GEO. III.
Cap. 16.
Sect. 11.

XIV. *AND be it further enacted by the Authority aforesaid*, That all and every Retailer of all or any of the Liquors aforesaid, who shall or may purchase any of the said Liquors in *New-Jersey*, or the Three Lower Counties on *Delaware*, or any other Colony not subject to our Laws, shall also, from and after the First Day of *October* next, for and during the Continuance of this Act, before they take into their Houses, Shops, Cellars, Vaults or Stores, or divide any Quantity of the said Liquors, liable to pay the Duties imposed by this Act, make Entry of all and every such Cask or Quantity of Liquors with the Collectors of the Counties, or their Deputies respectively, where such Liquors are brought, or intended to be retailed or divided, with the Marks, Numbers and Contents thereof, and of whom purchased, under the Penalties and Restrictions, and subject to the same Fines and Forfeitures, as if the said Wine, Rum, Brandy, or other Spirits, had been purchased within this Province, any Thing in this Act to the contrary notwithstanding.

Penalty on Retailers not entering, &c.

XV. *AND be it further enacted by the Authority aforesaid*, That if any Retailer shall presume to remove, retail, draw, sell or barter, any of the Liquors aforesaid, contrary to the true Intent and Meaning of this Act, without having first entered his or her Name and Place of Abode with the Collector of the City and County of *Philadelphia*, and with other the Collectors, or their Deputies, as this Act directs, every such Retailer shall forfeit and pay the Sum of *Five Pounds*, over and above the Duties for all such Liquors retailed by them as aforesaid; or if, after such Entry made, any such Retailer shall refuse or neglect to make true and particular Entries every three Months, as directed by this Act, or shall refuse or neglect to account with, or pay to the said Collectors, or their Deputies, what shall appear to be due by this Act, upon the Entries made by them as aforesaid, once in every three Months, or oftener if thereunto required, every such Retailer shall forfeit and pay, for so neglecting or refusing to enter the Liquors drawn every three Months respectively, and to account and pay as aforesaid, for the first Offence, the Sum of *Forty Shillings*, and for the second Offence *Five Pounds*, and have their Permit or Licence taken away, and are hereby declared incapable of retailing or selling any of the Liquors aforesaid during the Continuance of this Act.

Penalty for neglecting to pay, &c.

XVI. *AND if the Person or Persons liable to pay the Duties arising upon selling or retailing of the Liquors mentioned in this Act, shall neglect or refuse to pay the same in the Manner and at the Times herein limited and appointed, by the Space of ten Days after the same ought to be paid, it shall and may be lawful for the said Collectors respectively (by Virtue of a special Warrant for that Purpose, signed and sealed by any one Justice of the Peace of the City or County where the Offence is committed) to levy the same by Distress and Sale of the Goods and Chattels of the Offender, rendering the Overplus, if any be, to the Owner or Owners, after reasonable Charges deducted.*

Liquors not truly entered, to be seized, &c.

XVII. *AND be it further enacted by the Authority aforesaid*, That if any Person shall make short or fraudulent Entries of the Liquors in his or her Possession as aforesaid, or shall neglect or refuse to enter and take Permits for such Liquors as he or she shall receive into his or her House, Shop, Cellar, Vault, Store or other Place, after the First Day of *October* next, all such Liquors, not entered as aforesaid, shall be forfeited, and the Collectors hereafter named, or their Deputies, are hereby respectively impowered to enter, at any Time when they shall see convenient, the House, Cellar, Vault, Store or Shop of any Retailer, and to compare the Liquors in such House, Cellar, Vault, Shop or Store, with the Entries made, and to seize and take away all such Liquors as shall be found not truly entered as aforesaid. And if it shall be found impracticable or inconvenient to take away the said Liquors from the Places where they are so as aforesaid seized, the Collector or Collectors, in every such Case, shall ascertain the Quantity of the said Liquors by gauging the same, and the Owner or Owners thereof shall pay to the said Collector who shall seize the same the Value thereof, estimated at and according to the current Market Price of the said Liquors at *Philadelphia*, at the Time of the making such Seizure.

XVIII. *AND be it further enacted by the Authority aforesaid*, That the said Collectors, or their Deputies, may enter into any House, Cellar, Vault, Store or other Room, in the Day-time, to search, examine and gauge, the Liquors of any Person retailing with or without Licence or Permit, as often as he or they shall

shall see fit: And upon their refusing him Liberty so to do, he may force and break open Doors to gauge and examine the same, and in case of Opposition, if Necessity requires, shall take to his Assistance the Sheriff, or one or more Constables of the Town or County respectively, who, without any other Warrant, are hereby, under the Penalty of *Five Pounds* for every Refusal or Neglect, required to be aiding and assisting to the said Collectors and their Deputies therein, for the better and more effectual collecting the Duties, Penalties and Forfeitures, imposed by this Act.

XIX. *PROVIDED* always, That there shall be allowed by the Collectors, or their Deputies, unto the several Retailers of the Liquors aforesaid, *Fifteen per Cent.* for Leakage and Wastage; and if any Cask should happen to start or burst, no Duties shall be reckoned for so much of the said Liquors as such Retailers shall prove was lost thereby.

XX. *AND* be it enacted by the Authority aforesaid, That *Joseph Stretch*, of *Philadelphia*, Gentleman, shall be and is hereby appointed Collector of the Excise, &c. within the City and County of *Philadelphia*; and that *Joseph Hampton*, of *Bucks County*, Gentleman, shall be and is hereby appointed Collector of the Excise, &c. for the County of *Bucks*; and that *Charles Humphreys*, of *Chester County*, Gentleman, shall be and is hereby appointed Collector of the Excise, &c. for the County of *Chester*; and that *James Webb*, of *Lancaster County*, Gentleman, shall be and is hereby appointed Collector of the Excise, &c. for the County of *Lancaster*; and that *Thomas Minsball*, of *York County*, Gentleman, shall be and is hereby appointed Collector of the Excise, &c. for the County of *York*; and that *Nathaniel Wilson*, of *Cumberland County*, Gentleman, shall be and is hereby appointed Collector of the Excise, &c. for the County of *Cumberland*; and that *John Hughes*, of *Berks County*, Gentleman, shall be and is hereby appointed Collector of the Excise, &c. for the County of *Berks*; and that *John Jones*, of *Northampton County*, Gentleman, shall be and is hereby appointed Collector of the Excise, &c. for the County of *Northampton*; which said several Collectors are hereby severally impowered, by themselves or their Deputies, to be by them duly constituted, and for whom they shall be accountable, to demand, collect, receive and recover the Excise, appointed to be paid by this Act, of and from all and every Person or Persons (within their respective Counties and Places for which they are appointed) retailing or vending any of the Liquors by this Act liable to pay the Duties aforesaid; and also to recover and receive all and every the Duties, Fines and Forfeitures, laid and imposed, or that shall happen to arise or become due for any Thing done contrary to the true Intent and Meaning of this Act.

XXI. *AND* the said Collectors are hereby required to keep true and fair Accounts in Writing of all their Doings in the Premises; which Accounts they shall, when thereunto required, submit to the View and Inspection of the Provincial Treasurer for the Time being, and thereupon settle and adjust the said Accounts; and also lay the same before the Assembly of this Province, when and so often as they shall be thereunto required.

XXII. *AND* the said Collectors, and each of them, shall, once in three Months, or oftener if required, pay unto the Provincial Treasurer all such Sums of Money, as they shall receive by Virtue of this Act, deducting out of the same *Ten per Cent.* for all Sums by them received in the Counties of *Bucks, Chester, Lancaster, York, Cumberland, Berks* and *Northampton*, and *Five per Cent.* for the County and City of *Philadelphia*, for their Trouble and Care in collecting and paying the same; and deducting also one Moiety of all the Forfeitures by them recovered for any Offence committed against this Act, after Charges paid and satisfied: And shall be further allowed, in the final adjusting of their Accounts with the Assembly of this Province, all reasonable Charges, which may have accrued in prosecuting Persons offending against this Act.

XXIII. *AND* be it further enacted by the Authority aforesaid, That if the said Collectors, or any of them, shall refuse or neglect to collect the said Excise respectively, or any Part thereof, and pay the same unto the Provincial Treasurer within the Time limited in this Act, every such Collector, so refusing or neglecting, shall pay all the Arrearages of such Excise which he ought to have collected, which shall be levied by a Warrant, under the Hand and Seal of any

two Magistrates of the City of *Philadelphia* for the Time being, whereof the Mayor or Recorder always to be one, or of any two Magistrates of the respective Counties where the Offence is committed, directed to the Sheriff of the County, who is hereby impowered and required to execute such Warrant upon the Goods and Chattels of the Collectors so offending; and in case Goods and Chattels sufficient to make Satisfaction cannot be found, then to imprison such Offender until Payment be made; and the Collector being so distrained on, and having made full Satisfaction as aforesaid, is hereby impowered, without any other Warrant, to distrain for his own Use upon all such Persons, as shall refuse or neglect to pay the said Arrearages.

Collectors to
give Bond,
&c.

XXIV. AND the said respective Collectors, before they enter upon the Execution of their said respective Offices, are hereby required to give Bonds, with two sufficient Sureties, to the said Treasurer for the Time being, in Manner following, *that is to say*, That the said *Joseph Stretch*, Collector of the Excise, &c. for the City and County of *Philadelphia*, in the Sum of *Five Hundred Pounds*; the said *Joseph Hampton*, Collector of the Excise, &c. for the County of *Bucks*, in the Sum of *Two Hundred Pounds*; the said *Charles Humphreys*, Collector of the Excise, &c. for the County of *Chester*, in the Sum of *Two Hundred Pounds*; the said *James Webb*, Collector of the Excise, &c. for the County of *Lancaster*, in the Sum of *Two Hundred Pounds*; the said *Thomas Minsball*, Collector of the Excise, &c. for the County of *York*, in the Sum of *One Hundred Pounds*; the said *Nathaniel Willson*, Collector of the Excise, &c. for the County of *Cumberland*, in the Sum of *One Hundred Pounds*; the said *John Hughes*, Collector of the Excise, &c. for the County of *Berks*, in the Sum of *Two Hundred Pounds*; the said *John Jones*, Collector of the Excise, &c. for the County of *Northampton*, in the Sum of *One Hundred Pounds*; for the faithful Discharge of their respective Duties, and for the respective accounting and paying all such Sums of Money, as they shall from Time to Time receive by Virtue of this Act.

Collectors to
publish Ad-
vertisements.

XXV. And the said Collectors are hereby required to give public Notice by printed Advertisements, fixed on convenient public Places, certifying the Time of the Commencement of this Act; and also the Duties hereby imposed, with Notice to the Constables of their Duty; and full Directions how and when Entries are to be made, in Pursuance of this Act.

In case of
Neglect, &c.
the Provin-
cial Treas-
urer may
appoint
other Col-
lectors.

XXVI. PROVIDED always, and be it further enacted, That in case the said *Joseph Stretch*, *Joseph Hampton*, *Charles Humphreys*, *James Webb*, *Thomas Minsball*, *Nathaniel Willson*, *John Hughes*, and *John Jones*, or either of them, or such as shall be hereafter appointed by Virtue of this Act, shall refuse to take upon him or them to be the Collector or Collectors of the said Duties, or, having taken the same upon him or them, shall afterwards neglect or decline the same, or misbehave him or themselves therein, or die during the Continuance of this Act, that then, and in every such Case, the Provincial Treasurer shall appoint another or others in the Place or Stead of such Person or Persons so refusing, neglecting, misbehaving or dying, who shall have the same Power and Authority, and shall be liable to the same Restrictions and Penalties, as by this Act is given to the Collectors herein named, until others shall be appointed by the Assembly,

Penalty on
retailing less
than one
Quart with-
out Licence.

XXVII. AND be it further enacted by the Authority aforesaid, That no Person or Persons within this Province shall, during the Continuance of this Act, retail less than one Quart of Rum, Wine, Brandy, or other Spirits, to be delivered at one Time, and to one Person, unless such Person or Persons shall be regularly recommended to the Governor for the Time being, and by him licensed, according to the Direction of an Act of Assembly of this Province in that Case made and provided. And if any Person or Persons shall presume, during the Continuance of this Act, to retail within this Province less than one Quart of Wine, Rum, Brandy, or other Spirits, to be delivered at one Time, and to one Person, without being legally recommended and licensed as aforesaid, he, she or they, so offending, shall forfeit and pay the Sum of *Five Pounds*, over and above the Duties for all such Liquors by them retailed as aforesaid, or be committed to the Workhouse or Prison of the respective County where the Offence shall be committed, there to be kept at hard Labour for the Space of five Months,

any

any Thing in this Law, or any other Law, Usage or Custom, to the contrary notwithstanding.

XXVIII. *AND be it further enacted by the Authority aforesaid*, That all and every such Person and Persons, who, by Virtue of Licences obtained from the Governor, shall be allowed to retail Wine, Rum, Brandy, or other Spirits, in less Quantity than a Quart as aforesaid, every such Retailer or Retailers, who shall apply him, her or themselves, to the Justices of the Court of Quarter Sessions of the Counties to which he, she or they, respectively do belong, for a Recommendation to the Governor to renew their Licences for keeping a Public-house or Houses, and retailing as aforesaid, every such Person and Persons shall, on every such Application, and before any Recommendation obtained, produce Certificates from the Collectors of the said Counties respectively, to which he, she or they belong, of having discharged all Arrearages of Money due to the said Collectors, or any of them, for the Rates and Duties imposed; or otherwise the said Justices are hereby enjoined and required not to recommend such Person or Persons for the Purpose aforesaid. And every such Person or Persons are hereby declared incapable of retailing any of the Liquors aforesaid in less Quantities than one Quart as aforesaid. And in case any Person or Persons shall, notwithstanding, retail in less Quantities than one Quart as aforesaid, he, she or they, so offending, shall be liable to such and the same Penalties and Forfeitures as by this Act is imposed on other Persons.

Condition of
Recommendation.

XXIX. *AND*, for the better Discovery of Frauds and Abuses, *Be it further enacted by the Authority aforesaid*, That it shall and may be lawful for any Justice of the Peace in this Province, upon Application made by any one of the said Collectors, or other Person, to summon any Person or Persons to appear before such Justice, at such Time and Place as he shall appoint, to give Evidence, upon Oath or Affirmation, for Discovery of Frauds and Abuses committed against this Act. And if any Person or Persons, summoned as aforesaid, shall neglect or refuse to appear, and give Evidence as aforesaid, he, she or they, so offending, shall, for every such Offence, be fined by the Justice that issued out the Summons, in any Sum not exceeding *Twenty Shillings*, and be committed to Prison until paid.

Justices may
summon
Evidence
against
Frauds, &c.

XXX. *AND be it further enacted by the Authority aforesaid*, That all the Forfeitures and Offences made, done and committed against this Act, or any Clause or Article therein contained, shall be heard, adjudged and determined by such Person or Persons, and in such Manner and Form, as herein is directed; *that is to say*, All such Forfeitures and Offences, made and committed within the City of *Philadelphia*, shall be heard, adjudged and determined by any two or more of the Aldermen of the said City; and all such Forfeitures and Offences, made and committed within any of the Counties of this Province, shall be heard and determined by any two or more of the Justices of the respective Counties, where such Forfeitures shall be made, or Offence committed.

By whom
Offences
against this
Act are to
be determined.

XXXI. *AND* if the Party finds him or herself aggrieved by the Judgment given by the said Aldermen or Justices, he or she may appeal to the Justices of the Peace of the next Court of General Quarter Sessions of the Peace, to be held for the respective City or County where the Judgment shall be given; which Court is hereby empowered and authorized to hear and determine the same, and whose Judgment therein shall be final.

Parties may
appeal to the
Court.

XXXII. *PROVIDED always*, That no Alderman or Justice, who shall sit on the first Hearing of any such Cause, shall sit to hear and determine in the same Cause, in case any Appeal shall happen to be made therein.

XXXIII. *AND* the said Aldermen and Justices of the said City and Counties of this Province are hereby authorized, and strictly enjoined and required, upon any Complaint or Information exhibited and brought of any such Forfeiture made, and Offence committed, contrary to this Act, to summon the Party accused, and upon his or her Appearance, or Contempt, to proceed to Examination of the Matters of Fact, and upon due Proof thereof, either by Confession of the Party, or by the Oath or Affirmation of one or more credible Witnesses, to give Judgment or Sentence, as before is directed, and to award and issue out Warrants, under their Hands and Seals, for the levying of such Forfeitures, Penalties and Fines, as by this Act is imposed for any such Offences committed,

Justices to
proceed
against Of-
fenders of
this Act.

upon the Goods and Chattels of such Offender, and to cause Sale to be made of such Goods and Chattels, if they are not redeemed within five Days, rendering to the Parties the Overplus, if any be, the Charges of Distress and Sale being first deducted; and for Want of sufficient Distress, to imprison the Party offending until Satisfaction be made.

Officers, &c.
sued, may
plead, &c.

XXXIV. *AND be it further enacted by the Authority aforesaid*, That if the said Magistrate, Officer, or any Sheriff or Constable, shall be sued and prosecuted for any Thing done by them in Pursuance of this Act, he or they may plead the general Issue, and give this Act and special Matter in Evidence for his or their Justification; and in case a Verdict shall be given against the Prosecutor, or he shall become Non-suit, or suffer a Discontinuance, the Defendant shall recover treble Costs, to be recovered as is usual in other Cases.

Constables
to return to
the Court all
Retailers.

XXXV. *AND be it further enacted by the Authority aforesaid*, That all and every the Constables of the respective Townships or Districts in this Province shall, and are hereby required, under the Penalty of the Forfeiture of *Twenty Shillings* for every Refusal or Neglect, to return, on Oath or Affirmation, unto the Court of Quarter Sessions in their respective Counties, the Names and Places of Abode of all Persons in their several Townships or Districts, retailing or vending any Liquors liable to pay the Duties imposed by this Act, and that the Collector of such respective County may and shall have Recourse to the Returns of the Constables, for the better collecting the Duties, Fines and Forfeitures, arising upon this Act.

Sharing of
Rum, &c.
to be deemed
retailing.

XXXVI. *AND* whereas it has been the Practice of divers Persons, who were not Retailers of the said Liquors formerly, to draw off certain Quantities of Wine, Rum and other Spirits, and distribute the same amongst their Neighbours, on Purpose to elude the Payment of Excise; for Prevention whereof for the future, *It is hereby enacted and declared*, That the drawing, distributing or sharing of any Rum, Wine, Brandy, or other Spirits, out of any Cask or Casks whatsoever, into any Quantity or Quantities less than Seventy Gallons each, under Pretence of making it convenient for Carriage, or otherwise, shall be deemed and taken to be retailing within the Meaning of this Act.

Collectors,
&c. not to
deal in Li-
quors.

XXXVII. *PROVIDED*, That the Collectors of the Excise aforesaid, or any of them, nor their or any of their Deputies, nor any other Person or Persons to be appointed in their or any of their Places or Stead, shall, during the Continuance of this Act, vend, barter, sell, exchange, or trade in any of the Liquors aforesaid, made exciseable by this Act, under the Penalty of *Fifty Pounds*, to be recovered by Action of Debt, Bill, Complaint or Information, by any Person who will sue for the same to Effect, one Half thereof to the Use of the Person so suing, the other Half thereof to be paid in to the Provincial Treasurer aforesaid. And the Person or Persons, duly convicted of any such Offence or Offences against this Act, is and are hereby disabled from acting any longer in their respective Offices; and the Treasurer aforesaid is hereby authorized and required to name another or others in Lieu or Stead of the Person or Persons so offending, who shall have the same Powers and Authorities, and be liable to the same Restrictions and Penalties, as the Collectors named in this Act, until others are appointed by the General Assembly of this Province.

Collectors
to continue
in their Of-
fices for one
Year, &c.

XXXVIII. *AND be it further enacted by the Authority aforesaid*, That the Collectors of Excise herein and by this Act appointed, shall be and continue in their respective Offices, from the Publication of this Act, for the Space of one Year, and from thence until a new Nomination and Appointment shall be made by the Assembly, and no longer; which said Collectors, so appointed, shall, during their Continuance in their respective Offices, have all the Powers and Authorities, and be intitled to the Fees and Perquisites herein before mentioned and appointed, in as full and ample Manner as if the said Collectors had been appointed in the Body of this Act.

Provincial
Treasurer to
give Bond,
&c.

XXXIX. *AND be it further enacted by the Authority aforesaid*, That the Provincial Treasurer, before his Entrance upon the Execution of the Duties enjoined him by this Act, shall become bound to the Governor, or Commander in Chief of this Province for the Time being, with one or more Sureties, in an Obligation of *Three Thousand Pounds*, conditioned for the true Observation of this Act, and the Duty which to the said Office doth appertain. And in case of the

Death

Death or Removal of the said Treasurer, it shall and may be lawful for the Assembly to appoint some other fit Person to supply his Place, who shall give Security as aforesaid.

XL. *AND be it further enacted by the Authority aforesaid*, That the said Provincial Treasurer, for all the Monies which shall come to his Hands in Pursuance of his Office aforesaid, by Virtue of this Act, or otherwise, shall be allowed Commissions for the same, at the Rate of *Five per Cent.* and no more. To have
Five per
Cent. Com-
missions.

XLI. *AND* whereas there are sundry Sums of Money, which became due by Virtue of the former Acts of Excise, still outstanding, and not received by the former Collectors, *Be it enacted by the Authority aforesaid*, That the Provincial Treasurer for the Time being shall deliver unto the Officers appointed by this Act, a true List of all such outstanding Sums of Money as became due upon the former Acts of Excise, together with the Names and Places of Abode of the Person or Persons from whom the same are due; and the said Collectors are hereby authorized and impowered to demand, recover and receive the same, in the same Manner as the Excise arising upon this Act is directed to be received and recovered, and shall, upon Receipt thereof, pay the same to the Provincial Treasurer, for discharging the Sum of *One Thousand Pounds*, Part of *Five Thousand Pounds* granted to the King's Use, by an Act passed in the Nineteenth Year of the present Reign, intituled, *An Act for granting Five Thousand Pounds to the King's Use*, &c. To deliver
Lists of old
outstanding
Debts to the
new Officers,
to be re-
covered, &c.

XLII. *AND be it further enacted by the Authority aforesaid*, That if the Excise, to be levied by Virtue of this Act, shall not be sufficient during the Term for which it is granted to sink the Sum of *Thirty Thousand Pounds* hereby to be struck and issued, and defray all incident Charges, in such Case the same shall be continued until the said Sum of *Thirty Thousand Pounds* shall be completely sunk and destroyed. And if the said Excise shall, within the Term of Ten Years, produce more than *Thirty Thousand Pounds*, the incident Charges as aforesaid being defrayed, the Overplus shall be disposed of, by Act of Assembly, for the King's Use. Proviso, in
case of Defi-
ciency or
Surplus.

Passed September 21, 1756.—Recorded A, Vol. IV. p. 1.

C A P. IX.

An ACT for the Relief of *Joseph Yeates*, a languishing Prisoner in the Goal of *Philadelphia*, with Respect to the Imprisonment of his Person.

Passed September 21, 1756.—Recorded A, Vol. III. p. 366.

At the COURT at *Kenington*, the Seventh Day of *July*, 1756.

P R E S E N T.

The KING's most Excellent MAJESTY in COUNCIL,

LORD PRESIDENT, &c. &c. &c.

WHEREAS in Pursuance of the Powers granted to the Proprietaries of the Province of *Pennsylvania*, by Letters Patent, under the Great Seal, the Deputy-Governor, Council and Assembly, of the said Province did, in *April*, *June*, *September* and *November*, 1755, pass five Acts, which have been transmitted, and are intituled as follow, viz.

An Act to prevent the Exportation of Provisions, Naval or Warlike Stores, from this Province to Cape-Breton, or to any other the Dominions of the French King, or Places at present in Possession of any of his Subjects.

An Act to continue an Act, intituled, An Act to prevent the Exportation of Provisions, Naval or Warlike Stores, from this Province to Cape-Breton, or to any other the Dominions of the French King, or Places at present in Possession of any of his Subjects.

An

An Act for striking the Sum of Ten Thousand Pounds in Bills of Credit, to exchange such of those now by Law current within this Province as are torn and defaced.

An Act to continue an Act, intituled, An Act directing the Choice of Inspectors in the Counties of Chester, Lancaster, York, Cumberland, Berks and Northampton.

An Act for granting the Sum of Sixty Thousand Pounds to the King's Use, and for striking Fifty-five Thousand Pounds thereof in Bills of Credit, and to provide a Fund for sinking the same.

His Majesty this Day took the said Acts into his Royal Consideration, and, having received the Opinion of the Lords Commissioners for Trade and Plantations, and also of a Committee of the Lords of his Majesty's most Honourable Privy Council, thereupon, is hereby pleased to declare his Approbation of the said Acts; and, pursuant to his Majesty's Royal Pleasure thereupon expressed, the said Acts are hereby confirmed, finally enacted, and ratified accordingly. Whereof the Deputy-Governor, Council and Assembly, of the said Province, and all others whom it may concern, are to take Notice, and govern themselves accordingly.

W. S H A R P E.

At the COURT at *Kenfington*, the Seventh Day of *July*, 1756.

P R E S E N T.

The KING's most Excellent MAJESTY,

LORD PRESIDENT, &c. &c. &c.

WHEREAS in Pursuance of the Powers granted to the Proprietaries of the Province of *Pennsylvania*, by Letters Patent, under the Great Seal, the Deputy-Governor, Council and Assembly, of the said Province did, in *August* and *November*, 1755, pass two Acts, which have been transmitted, and are intituled as follow, viz.

An Act for extending so much of an Act of Parliament, intituled, An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, passed in the Twenty-eighth Year of the present Reign, as relates to the Quartering and Billeting of Soldiers, and Payment of their Quarters, in that Part of Great-Britain, called England.

An Act for the better ordering and regulating such as are willing and desirous to be united for military Purposes within this Province.

His Majesty this Day took the said Acts into his Royal Consideration, and, having received the Opinion of the Lords Commissioners for Trade and Plantations, and also of a Committee of the Lords of his Majesty's most Honourable Privy Council, thereupon, is hereby pleased to declare his Disallowance of the said Acts; and, pursuant to his Majesty's Royal Pleasure thereupon expressed, the said Acts are hereby repealed, declared void, and of none Effect. Whereof the Deputy-Governor, Council and Assembly, of the said Province, and all others whom it may concern, are to take Notice, and govern themselves accordingly.

W. S H A R P E.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Domini 1756, in the Thirtieth Year of GEORGE II. and continued by Adjournments to the Twenty-eighth Day of *September* following.

C A P. I.

An ACT for regulating the Officers and Soldiers commiffionated and raifed by the Governor, for the Defence of this Province.

Passed November 4, 1756.—Recorded A, Vol. III. p. 369.—Expired.

C A P. II.

An ACT for extending feveral Sections of an Act of Parliament, paffed in the Twenty-ninth Year of the prefent Reign, intituled, *An Act for punifhing Mutiny and Defertion, and for the better Payment of the Army and their Quarters.*

Passed December 8, 1756.—Recorded A, Vol. III. p. 371.—Expired.

C A P. III.

An ACT for binding out and fettling fuch of the Inhabitants of *Nova-Scotia*, imported into this Province, as are under Age, and for maintaining the Aged, Sick and Maimed, at the Charge of the Province.

Passed January 18, 1757.—Recorded A, Vol. III. p. 372.—Obsolete.

C A P. IV.

An ACT for regulating the Officers and Soldiers commiffionated and raifed by the Governor, for the Defence of this Province, and for repealing the Act of General Affembly, paffed in the prefent Reign, for the fame Purpofes.

Passed January 18, 1757.—Recorded A, Vol. III. p. 377.—Expired.

C A P. V.

A SUPPLEMENT to the Act, intituled, *An Act for regulating and continuing the nightly Watch, and enlightening the Streets, Lanes and Alleys, of the City of Philadelphia, and for raifing of Money on the Inhabitants and Estates of the faid City, for defraying the neceffary Expences thereof.*

Passed January 18, 1757.—Recorded A, Vol. III. p. 374.—Expired.

C A P. VI.

An ACT for the further Continuance of an Act of General Affembly of this Province, intituled, *An Act for the more eafy Recovery of Legacies within this Province.*

Passed March 17, 1757.—Recorded A, Vol. IV. p. 15.—Expired.

C A P. VII.

An ACT to render the Quartering of Soldiers on the Public-houfes of this Province lefs burthenfome.

Passed March 17, 1757.—Recorded A, Vol. IV. p. 16.—Expired.

C A P. VIII.

An ACT for regulating the Hire of Carriages to be employed in his Majesty's Service, within the inhabited Parts of this Province.

Passed March 17, 1757.—Recorded A, Vol. IV. p. 18.—Expired.

C A P. IX.

A SUPPLEMENT to the Act, intituled, *An Act for granting the Sum of Sixty Thousand Pounds to the King's Use, and for striking Fifty-five Thousand Pounds thereof in Bills of Credit, and to provide a Fund for sinking the same, and for granting to His Majesty the additional Sum of One Hundred Thousand Pounds.*

Passed March 23, 1757.—Recorded A, Vol. IV. p. 21.—Expired.

C A P. X.

An ACT for striking the Sum of *Fifty-five Thousand Pounds*, the Remainder of the Sum of *One Hundred Thousand Pounds* granted by this Assembly to the King's Use, and for making the same current within this Province.

Passed June 17, 1757.—Recorded A, Vol. IV. p. 26.—Expired.

C A P. XI.

An ACT empowering the Governor to discharge his Part of the Operations of this Campaign, stipulated, in Behalf of this Province, between his Excellency *John Earl of Loudoun*, and the Governors of the Southern Colonies.

Passed June 18, 1757.—Recorded A, Vol. IV. p. 32.—Obsolete.

C A P. XII.

An ACT to enable the Governor to draw out and march One Thousand Men, Part of the Troops of this Province, or the like Number of Volunteers, to be raised for the Assistance of the Province of *New-York*.

Passed August 19, 1757.—Recorded A, Vol. IV. p. 34.—Obsolete.

C A P. XIII.

A SUPPLEMENT to an Act, intituled, *An Act for binding out and settling such of the Inhabitants of Nova-Scotia, imported into this Province, as are under Age, and for maintaining the Aged, Sick and Maimed, at the Charge of the Province.*

Passed September 27, 1757.—Recorded A, Vol. IV. p. 37.—Obsolete.

C A P. XIV.

An ACT to enable *Richard Hill* and *Samuel Preston Moore*, and *Hannah* his Wife, to comply with, establish, ratify and confirm certain Agreements, made between the said *Samuel Preston Moore* and *Richard Hill*, late of the City of *Philadelphia*, jointly, of the one Part, and divers other Persons of the other Part; and also between the said *Richard Hill*, deceased, separately, of the one Part, and divers other Persons of the other Part; which were entered into by them in the Life-time of the said *Richard Hill*, deceased, some of whose Heirs and Devisees are under Age.

Passed September 27, 1757.—Recorded A, Vol. IV. p. 39.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Domini 1757, in the Thirty-first Year of GEORGE II. and continued by Adjournments to the Twenty-ninth Day of *September* following.

C A P. I.

An ACT for preventing Abuses in the *Indian* Trade, for supplying the *Indians*, Friends and Allies of *Great-Britain*, with Goods at more easy Rates, and for securing and strengthening the Peace and Friendship lately concluded with the *Indians*, inhabiting the Northern and Western Frontiers of this Province.

Passed April 8, 1758.—Recorded A, Vol. IV. p. 42.—Expired.

C A P. II.

An ACT for regulating the Hire of Carriages to be employed in his Majesty's Service.

Passed April 8, 1758.—Recorded A, Vol. IV. p. 53.—Expired.

C A P. III.

An ACT for regulating the Officers and Soldiers commissioned and raised by the Governor, for the Defence of this Province.

Passed April 8, 1758.—Recorded A, Vol. IV. p. 51.—Expired.

C A P. IV.

An ACT for granting the Sum of *One Hundred Thousand Pounds* to his Majesty's Use, and for striking the same in Bills of Credit; and for continuing the several Acts of Assembly of this Province herein after mentioned for sinking the Bills of Credit so to be struck, at the Times and in the Manner herein after directed and appointed.

Passed April 22, 1758.—Recorded A, Vol. IV. p. 34.—Expired.

C A P. V.

An ACT for granting to his Majesty a Duty of Tonnage upon Ships and Vessels, and also certain Duties upon Wine, Rum, Brandy, and other Spirits, and a Duty upon Sugar, for supporting and maintaining the Provincial Ship of War, for protecting the Trade of this Province, and other Purposes for his Majesty's Service.

Passed April 29, 1758.—Recorded A, Vol. IV. p. 57.—Expired.

C A P. VI.

An ACT for extending several Sections of an Act of Parliament, passed in the Thirtieth Year of the present Reign, intituled, *An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.*

Passed April 29, 1758.—Recorded A, Vol. IV. p. 56.—Expired.

C A P. VII.

A SUPPLEMENT to the Act, intituled, *An Act for regulating the Hire of Carriages to be employed in his Majesty's Service.*

Passed September 20, 1758.—Recorded A, Vol. IV. p. 77.—Expired.

C A P.

C A P. VIII.

An ACT for the Continuance of an Act of Assembly of this Province, intituled, *A Supplementary Act to the Act, intituled, An Act for preventing the Exportation of Bread and Flour not merchantable*; and for the new Appointment of Officers to put the said Law in Execution.

Passed September 27, 1758.—Recorded A, Vol. IV. p. 79.—Expired.

C A P. IX.

An ACT in Addition to an Act, intituled, *An Act for regulating the Hire of Carriages to be employed in his Majesty's Service.*

Passed September 29, 1758.—Recorded A, Vol. IV. p. 81.—Expired.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Domini 1758, in the Thirty-second Year of GEORGE II. and continued by Adjournments to the Thirtieth Day of *September* following.

C A P. I.

An ACT for granting to his Majesty the Sum of *One Hundred Thousand Pounds*, and for striking the same in Bills of Credit, in the Manner herein after directed, and for providing a Fund for sinking the said Bills of Credit, by a Tax on all Estates real and personal, and Taxables, within this Province.

Passed April 17, 1759.—Recorded A, Vol. IV. p. 83.—Expired.

C A P. II.

A SUPPLEMENT to the Act, intituled, *An Act for preventing Abuses in the Indian Trade, for supplying the Indians, Friends and Allies of Great-Britain, with Goods at more easy Rates, and for securing and strengthening the Peace and Friendship lately concluded with the Indians, inhabiting the Northern and Western Frontiers of this Province.*

Passed April 17, 1759.—Recorded A, Vol. IV. p. 105.—Expired.

C A P. III.

An ACT to prevent the Exportation of bad or unmerchantable Staves, Heading, Boards and Timber.

Preamble.

WHEREAS the Reputation of this Province hath been much advanced by the Care of the Legislature, to prevent Frauds and Abuses in divers Commodities of our Country Produce exported to foreign Markets; and yet some further Regulation is, by daily Experience, found necessary to promote the Interests of Trade, and the Good of the Province, BE IT THEREFORE ENACTED by the Honourable WILLIAM DENNY, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Merchant, or other Person or Persons whatsoever, shall, from and after the Publication of this Act, lade or put on board any Ship or Vessel any Staves, Heading, Boards, Plank or Timber, for Exportation out of this Province, before he or she shall first submit the same to the Examination of the Officer or Officers, or his or their Deputy or Deputies, appointed by the Direction of this Act; and if the said Officer or

No Staves,
&c. to be
exported
without be-
ing examin-
ed, &c.

Officers

Officers shall find the same sound, and fit for Exportation, he or they shall measure, count and cull the same, in a just and impartial Manner, between the Buyer and Seller.

II. *AND be it enacted by the Authority aforesaid*, That every hewed or shaved Pipe Stave shall be four Feet and eight Inches long, three Inches and a Half broad in the narrowest Place, clear of Sap, five Eighths of an Inch thick in the thinnest Place, not more than one Inch thick in any Part, regularly split with the Grain of the Wood, and shall not have more than seven Worm-holes, and be otherwise fit for a good Pipe Stave. Dimensions of Pipe, Hoghead and Barrel Staves, &c.

III. *EVERY* hewed or shaved Hoghead Stave shall be three Feet and six Inches long, three Inches and an Half broad, clear of Sap, in the narrowest Place, five Eighths of an Inch thick in the thinnest Part, not more than one Inch thick in any Part, regularly split with the Grain of the Wood, and shall not have more than six Worm-holes; and be otherwise fit for a good Hoghead Stave.

IV. *EVERY* hewed or shaved Barrel Stave shall be two Feet and six Inches long, three Inches and an Half broad in the narrowest Place, Half an Inch thick in the thinnest Part, regularly split with the Grain of the Wood, and shall not have more than five Worm-holes, and be otherwise fit for a good tight Barrel Stave.

V. *EVERY* hewed or shaved Piece of Hoghead Heading shall be two Feet and six Inches long, the middle Pieces six Inches broad in the narrowest Place, clear of Sap, and the Cantle Pieces of the same Breadth in their widest Part, clear of Sap, both Sorts three Quarters of an Inch thick, and shall not have more than seven Worm-holes in each Piece, and be otherwise fit for the Head of a tight Hoghead; the Officer having a due Regard that there be always a proper Proportion of middle Pieces in such Heading.

ALL Boards, Plank and Timber, shall be good and sound, and of the Thickness and Quality the same are declared to be by the Seller.

VI. *AND be it enacted by the Authority aforesaid*, That the Officer appointed for inspecting and culling Staves and Heading shall have, for every customary Thousand of Pipe Staves and Hoghead Heading, *Three Shillings*; and for every customary Thousand of Hoghead and Barrel Staves, *Two Shillings and Six-pence*, by him inspected and counted as aforesaid; to be paid, the one Half by the Buyer, and the other Half by the Seller. Officer's Fees.

VII. *AND* the said Officer, for measuring Boards and Plank, shall have and receive the Sum of *Two Shillings and Six-pence* for every Thousand Feet of Plank and Boards, according to the superficial Measure thereof; and for all Timber according to the Thickness and Quality thereof, reduced to cubical Feet, the Sum of *One Shilling* for every Ton, consisting of Forty cubical Feet, and so in Proportion for any greater or lesser Quantity he shall measure; to be paid, the one Half by the Buyer, and the other Half by the Seller.

VIII. *PROVIDED always*, That any Person or Persons may be allowed to vend or sell any rough Staves or Heading; and if they be of the Length, Breadth and Qualities before mentioned, they shall not be adjudged unfit for Exportation, although they should be thicker than is herein before mentioned.

IX. *AND be it further enacted by the Authority aforesaid*, That the Officer hereby appointed, or to be appointed, or his Deputy or Deputies, shall have Power and Authority, by Virtue of this Act, without any further or other Warrant, to enter on board any Ship, Sloop or other Vessel, lying and being in the Port of *Philadelphia*, or in any other Place within this Province, to search for and make Discovery of any Staves, Heading, Boards, Plank and Timber, shipped for Exportation; and if the Captain, Master or Owner, of such Ship or other Vessel, or his or their Servant or Servants, shall deny him or them Entrance; or if the said Officer shall be any Way molested in making any Discovery as aforesaid; or if such Captain, Master or Owner, shall refuse to permit the said Officer or his Deputies to view, inspect and examine any of the said Staves and Merchandize aforesaid, according to the Directions of this Act, every Person, so offending, shall forfeit and pay the Sum of *Fifty Pounds*; or if any Person shall ship off any Staves, Heading, Boards, Plank or Timber, which have not been inspected, measured, culled and counted as aforesaid, by the Officer appointed for that Purpose, or his Deputy, every such Person, so offending, shall forfeit and pay the Sum of *Twenty Shillings* for every Thousand of Staves or Heading, Officer to enter any Vessel, and search for Staves, &c. for Exportation.

Heading, and *Ten Shillings* for every Thousand Feet of Boards, Plank or Timber, so shipped or exported, and so in Proportion for any greater or lesser Quantity.

Disputes
arising con-
cerning
Staves, &c.
to be decided
by applying
to a Magi-
strate, &c.

X. *PROVIDED* always, and it is further enacted by the Authority aforesaid, That where at any Time hereafter any Dispute shall arise between the Officer and Possessor of any of the Staves and Merchandize herein before mentioned, concerning the same, upon Application made by the Possessor thereof to one of the Magistrates of the County where the Dispute arises, he shall issue his Warrant to three indifferent judicious Persons of Skill and Integrity, one of them to be named by the Possessor of such Staves and Merchandize, a second by the Officer, and the third Person to be named by the said Magistrate, directing them, the Persons so named, to view and examine the said Staves and Merchandize, and make Report to him forthwith as they find the same, and the said Justice is hereby required and impowered to give Judgment accordingly.

Penalty on
exporting
Staves, &c.
not mer-
chantable.

XI. AND in case the said Staves, Heading, Boards, Plank and Timber, or any of them, be adjudged not fit for Exportation, the said Justice of the Peace shall order them not to be exported, under Penalty of Forfeiture of all such Staves, Heading, Boards, Plank or Timber, and shall also award and order the Owner or Possessor thereof to pay the said Officer reasonable Costs and Charges for his Trouble in attending such Trial, &c. but if the said Staves and Merchandize shall be found good and merchantable, according to the Direction of this Act, the Charges of Prosecution shall be paid by the Officer.

Officer's
Name.

XII. AND to the End that the Regulations by this Act prescribed may be duly executed, *Be it enacted by the Authority aforesaid*, That *Hugh Davey*, of *Philadelphia*, shall be, and is hereby appointed the Officer for inspecting, culling and counting all Staves and Heading; and for the inspecting and measuring all Boards, Plank and Timber, shipped from the Province as aforesaid. And the said *Hugh Davey*, or any other Person to be appointed by Virtue of this Act, is hereby impowered and required to appoint a sufficient Number of Deputies in the Counties of *Philadelphia*, *Bucks* and *Chester*, for whom he shall be accountable, which Deputies are hereby fully impowered to act as Deputy-Officers for putting this Act in Execution, as fully as the said *Hugh Davey* could do by Virtue of this Act.

In case of
Death, &c.
his Place to
be supplied
by a Ma-
jority of the
Justices of
Philadelphia
County.

XIII. AND if the said *Hugh Davey*, or any other Person hereafter appointed to be the Officer aforesaid, shall, by any Accident, be rendered incapable, or neglect to execute the said Office, or shall happen to die, before or after the Time of putting this Act in Execution, then and so often, from Time to Time, it shall and may be lawful to and for the Majority of the Justices of the Peace of the County of *Philadelphia*, to supply his or their Place by some other fit and capable Person or Persons, who shall thereupon be invested with as full and ample Powers, as the Person or Persons in whose Place or Stead he or they may be appointed, until the Assembly appoints another.

The Officer
to be quali-
fied.

XIV. BUT before the said *Hugh Davey*, or any other Officer hereafter to be appointed by Virtue of this Act, or any of his or their Deputies, shall do any Thing in the Execution of his or their Office, they shall respectively take and subscribe an Oath or Affirmation, before some Justice of the Peace of the City or County of *Philadelphia*, faithfully and impartially to perform his or their Duty and Trust to the best of his or their Capacity, according to the Direction of this present Act; which Oath or Affirmation the said Justices are hereby authorized and required to administer, at the Expence of the said Officer, and the same shall be entered in the public Records of this Province.

And to keep
true Ac-
counts of the
Staves, &c.

XV. *AND be it further enacted by the Authority aforesaid*, That the Officer appointed, or to be appointed by Virtue of this Act, shall keep true Accounts of the Staves and other Merchandize by him or his Deputies inspected, culled, counted and measured, and of the Names of the Buyers and Sellers thereof; and if any Controversy shall happen to arise concerning the same, he or they may be called upon to shew his or their Book of Entries, for which Trouble, and Copy of the Entry, he or they shall be allowed the Sum of *Six-pence*, and no more; and if he or they shall be convicted of making a fraudulent Entry, he shall be liable to pay the Sum of *Five Pounds*: And if the said Officer or Officers shall be convicted of buying or selling any of the Staves and other Merchandize, which he or they are appointed to inspect and examine, he or they, so offending, shall be subject to the Penalty of *Fifty Pounds*.

XVI. *PRO-*

XVI. *PROVIDED* always, That nothing herein contained shall debar any Cooper or Carpenter from purchasing a sufficient Quantity of Staves or Heading, Boards, Plank or Timber, to make up into Cask, or to be used in Buildings in the Way of his or their Business, so always that he shall not buy any of the Cullings, which he hath before adjudged to be unmerchantable.

Coopers or
Carpenters,
&c. not
within this
Act.

XVII. *AND* be it further enacted by the Authority aforesaid, That all and every the Penalties and Forfeitures in and by this Act set and appointed shall be paid, one Half to the Contributors of the *Pennsylvania* Hospital, for the Use of the said Hospital, and the other Half to the Informer, or to him or them who shall sue for the same; if under *Five Pounds*, to be recovered as Debts under *Five Pounds* are usually recovered, and if above *Five Pounds*, to be sued for by Bill, Plaint or Information, in any Court of Record within this Province, wherein no *Essoin*, Protection or Wager of Law, shall be allowed the Defendant.

Penalties
how to be
disposed of.

XVIII. *AND* every of the Officers appointed by this Act shall, if he so long behave himself well in the Execution of his said Office, continue therein for the Space of four Years, and from thence until a new Nomination be made by the Assembly, and no longer.

The Officer
to continue
four Years.

Passed April 21, 1759.—Recorded A, Vol. IV. p. 100.

C A P. IV.

A SUPPLEMENT to the Act, intituled, *An Act for granting to his Majesty a Duty of Tonnage upon Ships and Vessels; and also certain Duties upon Wine, Rum, Brandy, and other Spirits, and a Duty upon Sugar, for supporting and maintaining the Provincial Ship of War, for protecting the Trade of this Province, and other Purposes for his Majesty's Service.*

Passed April 21, 1759.—Recorded, A, Vol. IV. p. 151.—Expired.

C A P. V.

An ACT for extending several Sections of an Act of Parliament, passed in the Thirty-second Year of the present Reign, intituled, *An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.*

Passed April 21, 1759.—Recorded A, Vol. IV. p. 111.—Expired.

C A P. VI.

An ACT for regulating the Hire of Carriages to be employed in his Majesty's Service.

Passed April 21, 1759.—Recorded A, Vol. IV.—Expired.

C A P. VII.

An ACT for regulating the Officers and Soldiers in the Pay of this Province.

Passed April 21, 1759.—Recorded A, Vol. IV. p. 108.—Expired.

C A P. VIII.

An ACT for re-emitting the Bills of Credit of this Province heretofore re-emitted on Loan, and for striking the further Sum of *Thirty-six Thousand Six Hundred and Fifty Pounds*, to enable the Trustees to lend *Fifty Thousand Pounds* to Colonel *John Hunter*, Agent for the Contractors with the Right Honourable the Lords Commissioners of his Majesty's Treasury, for his Majesty's Service.

Passed June 20, 1759.—Recorded A, Vol. IV. p. 113.—Repealed.

C A P. IX.

An ACT for the Relief of the Heirs, Devisees and Assigns of Persons born out of the King's Legiance, who have been Owners of Lands within this Province, and have died unnaturalized.

Passed June 20, 1759.—Recorded A, Vol. IV. p. 132.—Repealed.

C A P. X.

An ACT for the more effectual suppressing and preventing of Lotteries and Plays.

Passed June 20, 1759.—Recorded A, Vol. IV. p. 129.—Repealed.

C A P. XI.

An ACT for recording of Warrants and Surveys, and for rendering the real Estates and Property within this Province more secure.

Passed July 7, 1759.—Recorded A, Vol. IV. p. 133.—Repealed.

C A P. XII.

A SUPPLEMENT to the Act intituled, *An Act for re-emitting the Bills of Credit of this Province heretofore re-emitted on Loan, and for striking the further Sum of Thirty-six Thousand Six Hundred and Fifty Pounds, to enable the Trustees to lend Fifty Thousand Pounds to Colonel John Hunter, Agent for the Contractors with the Right Honourable the Lords Commissioners of his Majesty's Treasury, for his Majesty's Service.*

Passed September 29, 1759.—Recorded A, Vol. IV. p. 140.—Repealed.

C A P. XIII.

An ACT for appointing an Agent, to apply for and receive the distributive Share and Proportion which shall be assigned to this Province, of the Sum of Money granted by Parliament to his Majesty's Colonies in *America*.

Passed September 29, 1759.—Recorded A, Vol. IV. p. 147.—Obsolete.

C A P. XIV.

A SUPPLEMENT to the Act, intituled, *An Act for establishing Courts of Judicature in this Province.*

Passed September 29, 1759.—Recorded A, Vol. IV. p. 144.—Repealed.

C A P. XV.

An ACT to continue an Act, intituled, *An Act for directing the Choice of Inspectors in the Counties of Chester, Lancaster, York, Cumberland, Berks and Northampton.*

Passed September 29, 1759.—Recorded A, Vol. IV. p. 149.—Expired.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fifteenth Day of *October*, Anno Domini 1759, in the Thirty-third Year of GEORGE II. and continued by Adjournments to the Twenty-first Day of *April* following.

C A P. I.

An ACT for the further Continuance of an Act of Assembly of this Province, intituled, *An Act for the Continuance of An Act of Assembly of this Province, intituled, A Supplementary Act to the Act, intituled An Act for the preventing the Exportation of Bread and Flour not merchantable, and for the new Appointment of Officers to put the said Law in Execution.*

Passed October 19, 1759.—Recorded A, Vol. IV. p. 150.—Expired.

C A P. II.

An ACT for granting to his Majesty the Sum of *One Hundred Thousand Pounds*, and for striking the same in Bills of Credit, in the Manner herein after directed, and for providing a Fund for sinking the said Bills of Credit, by a Tax on all Estates real and personal, and Taxables, within this Province.

Passed April 12, 1760.—Recorded A, Vol. IV. p. 157.

C A P. III.

An ACT to enable the Owners and Possessors of the Meadow at *Point-no-Point*, in the Precinct of *Richmond*, in the County of *Philadelphia*, to keep the Banks, Dams, Sluices and Flood-gates in Repair, and to raise a Fund to defray the Expence thereof.

Passed April 12, 1760.—Recorded A, Vol. IV. p. 182.—Private Act.

C A P.

C A P. IV.

An ACT to enable the Owners of *Greenwich Island* to embank and drain the same, to keep the outside Banks and Dams in good Repair for ever, and to raise a Fund to defray fundry contingent and yearly Expences accruing thereon.

Passed April 12, 1760.—Recorded A, Vol. IV. p. 171.—Private Act.

C A P. V.

An ACT to prevent the Hunting of Deer, and other wild Beasts, beyond the Limits of the Lands purchased of the *Indians* by the Proprietaries of this Province; and against killing Deer out of Season.

WHEREAS many disorderly People have made it a Practice of Hunting on the Lands not yet purchased of the *Indians*, to their great Damage and Dissatisfaction, which may be attended with fatal Consequences to the Peace and Welfare of this Province, by destroying that Union and Harmony which this Government has lately restored and concluded with the *Indians*, at a very great Expence: And whereas many of the industrious Inhabitants, on the Frontiers of this Province, are thereby discouraged from returning and settling upon the Plantations, which they were obliged to leave and evacuate during the late *Indian* Incursions; therefore, to remedy the great Mischiefs which may ensue from the Continuance of this evil Practice, BE IT ENACTED by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Person or Persons whatsoever, either singly, or in Companies, after the Passing of this Act, shall presume to hunt, chase or follow any Deer, Buck, Doe, Fawn, or any other wild Beast, wild Fowl, or Game whatsoever, or shall set Traps for Beaver, or other Beasts, without the Limits of the Lands purchased of the *Indians* by the Proprietaries of this Province, such Person or Persons so offending, and being thereof legally convicted in any Court of Quarter-Sessions of the County where such Offender shall be apprehended (in which said Court the same Offence is hereby made cognizable) by the Oath or Affirmation of one or more Witnesses, or by the Confession of the Party, every Person, so offending, shall forfeit and pay, for every such Offence, the Sum of *Fifty Pounds*, or suffer Twelve Months Imprisonment, without Bail or Mainprize. One Moiety of the above Fine shall be paid to the Prosecutor, and the other Moiety to the Overseers of the Poor of the Township where such Offender shall reside, for the Use of the Poor of the said Township, if resident within this Province; if otherwise, where he shall be apprehended.

Preamble.
Penalty on Persons hunting on *Indian* Lands, not purchased by the Proprietaries, &c.

II. *AND* be it further enacted by the Authority aforesaid, That the Constable of each respective Township, in every County of this Province, having any Knowledge of any Offences against this Act, shall, and he is hereby required, under the Penalty of *Five Pounds*, to present, on Oath or Affirmation, every such Offence to some one Justice of the Peace of their respective Counties, or before the Justices of the General Quarter Sessions of the Peace for the same County; together with the Name or Names of all such Offenders, that they may be tried, agreeable to the Directions of this Act.

Constables to present Offences against this Act.

III. *AND* be it further enacted by the Authority aforesaid, That if any Person or Persons shall, after the Publication of this Act, hunt, chase or follow, with a Design to kill, or shall kill or destroy any Buck, Doe or Fawn, within the Lands already, or hereafter to be purchased of the *Indians*, at any other Time or Season, excepting only between the First Day of the Month of *August*, and the First Day of the Month of *January*, and shall be lawfully convicted thereof, by the Oaths or Affirmations of one or more credible Witnesses, or the Confession of the Party, before one or more Justices of the Peace, for the respective County where such Offence shall be committed, he or they shall forfeit and pay the Sum of *Three Pounds* for every such Offence, to the Uses aforesaid.

Forfeiture on Persons hunting, except in the Time limited by this Act.

said; provided such Conviction be made within Six Months after such Offence committed.

Manner of
convicting
Offenders.

IV. AND for the more certain convicting of Offenders against this Act, *Be it further enacted by the Authority aforesaid*, That every Person in whose Custody shall be found, or who shall expose to Sale any green Deer Skins, fresh Venison or Deer's Flesh, at any other Time of the Year than what is before excepted, such green Deer Skins, fresh Venison, or Deer's Flesh, shall be deemed and taken as Evidence of the Guilt of the Person, in whose Custody the same shall be found.

Penalty on
Persons
hunting upon
other Lands
than their
own.

V. *PROVIDED always*, That nothing contained in this Act shall be deemed or construed to extend to any free native *Indians* carrying Guns, hunting, killing and having in their Custody any Skins or Deer's Flesh for their own Use, any Thing in this Act to the contrary notwithstanding.

VI. AND whereas divers Abuses, Damages and Inconveniencies have arisen by Persons carrying Guns, and presuming to hunt on other Peoples Lands; for Remedy whereof, for the future, *Be it enacted by the Authority aforesaid*, That if any Person or Persons shall presume, at any Time after the Publication of this Act, to carry any Gun, or hunt on any inclosed or improved Lands of any of the Inhabitants of this Province, other than his own, unless he shall have Licence or Permission from the Owner of such Lands, or shall presume to fire a Gun on or near any of the King's Highways, and shall be thereof convicted, either upon View of any Justice of the Peace within this Province, or by the Oath or Affirmation of any one or more Witnesses, before any Justice of the Peace, he shall, for every such Offence, forfeit the Sum of *Forty Shillings*.

No Person
to shoot
Pidgeons,
&c. in the
Streets of
Philadelphia,
&c.

VII. *AND be it further enacted by the Authority aforesaid*, That no Person whatsoever shall presume to shoot at, or kill, with a Fire-arm, any Pidgeon, Dove, Partridge or other Fowl, in the open Streets of the City of *Philadelphia*, or in the Gardens, Orchards and Inclosures, adjoining upon, and belonging to, any of the Dwelling-houses within the Limits of the said City, or Suburbs thereof, or any of the Boroughs or Towns within this Province, upon the Forfeiture of *Forty Shillings* for every such Offence, to be convicted in Manner aforesaid.

Nor to kill
any Game on
the Sabbath-
day.

VIII. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall hunt or kill any Kind of Game on the Sabbath-day, and shall be convicted thereof in Manner last aforesaid, every such Offender shall forfeit and pay the Sum of *Forty Shillings* for every such Offence.

Manner of
appropriat-
ing For-
feitures, &c.

IX. ALL which Penalties and Forfeitures, not herein before appropriated, shall be paid, one Moiety thereof to the Informer, and the other to the Overseers of the Poor of the Township where such Offence is committed, for the Use of the Poor of the said Township; but if convicted upon View of a Justice of the Peace, the whole Forfeiture shall be paid to the Overseers of the Poor of the said Township, for the Use of the Poor of said Township; and if the Offender refuse to pay, the same shall be levied by Distress and Sale of the Offender's Goods by Warrant, under the Hand and Seal of the Justice before whom such Offender shall be convicted, returning the Overplus, if any, to the Owner, the Charge of distraining being first deducted; and for Want of such Distress, he shall be committed to Prison, where the Forfeiture is *Three Pounds*, for the Space of Thirty Days; and where the Forfeiture is *Forty Shillings*, for the Space of Twenty Days, without Bail or Mainprize; and if such Offender be a *Negroe* or *Mulattoe* Slave, he shall, instead of such Imprisonment, be publicly whipped at the Discretion of the Magistrate, not exceeding Thirty-one Lashes, unless the Master or Mistress of such Slave shall pay the Fine or Fines hereby inflicted.

Former Acts
against kill-
ing Deer out
of Season
repealed.

X. *AND be it enacted by the Authority aforesaid*, That the Act, intituled, *An Act to prevent the killing of Deer out of Season, and against carrying of Guns and hunting by Persons not qualified*; and the Act, intituled, *A Supplement to the Law, intituled, An Act to prevent the killing of Deer out of Season, and against carrying of Guns and hunting by Persons not qualified*, and an Act, intituled, *An Act for amending the Laws of this Province against killing of Deer out of Season*, and every Article, Clause and Thing in the said Acts, and each and every of them contained, shall be, and hereby are declared to be repealed, null and void, to all Intents and Purposes whatsoever.

Passed April 9. 1760.

CAP.

C A P. VI.

An ACT for regulating the Officers and Soldiers in the Pay of this Province.

Passed April 21, 1760.—Expired.

At the COURT at *Kensington*, the Second Day of *September*, 1760.

P R E S E N T.

The KING's most Excellent MAJESTY,

Archbishop of CANTERBURY, &c. &c. &c.

WHEREAS there was this Day read at the Board, a Report from the Right Honourable the Lords of the Committee of his Majesty's most Honourable Privy Council for Plantation Affairs, upon considering Nineteen Acts, passed in the Province of *Pennsylvania* in the Years 1758 and 1759, which Report is dated the 28th of last Month, and is in the Words following, *viz.*

YOUR Majesty having been pleased, by your Orders in Council of the 16th of *February*, and 13th of *March* last, to refer unto this Committee Nineteen Acts, passed in the Province of *Pennsylvania* in the Years 1758 and 1759, as likewise a Petition of the Proprietaries of the said Province, complaining of Eleven of the said Acts, and praying to be heard thereupon before they received your Majesty's Royal Confirmation. The Lords of the Committee thought it proper to transmit the said Acts, together with the said Petition, to the Lords Commissioners for Trade and Plantations, to examine into all the said Nineteen Acts, and to hear the Petitioners upon such of the said Acts, against which they had made their Complaint; and the said Lords Commissioners having accordingly examined into the said Acts, and heard Counsel upon the Petition of the said Proprietaries against Eleven of them, as likewise Counsel on the Behalf of the House of Representatives of the said Province, in Support of the said Eleven Acts, the said Lords Commissioners have made their Report upon all the said Acts to this Committee; and it appearing by the said Report, that the said Lords Commissioners were of Opinion, that Seven out of the said Eleven Acts, complained of by the said Proprietaries, were proper to be repealed by your Majesty; the Agents for the House of Representatives made Application to this Committee, praying to be heard in Support of the said Seven Acts, and having entered into the usual Security, according to the Rules of the Council Board, to be answerable for Costs in case it should be judged necessary to require them to pay the same; the Lords of the Committee thought proper to comply with their Request, and accordingly, on the 27th of this Instant, and likewise on this Day, took the said Nineteen Acts and Report into Consideration, and heard Counsel on Behalf of the said Agents in Support of the said Seven Acts, as likewise Counsel on Behalf of the said Proprietaries against the same, and do agree humbly to report to your Majesty,

That as to the Six following Acts, intituled, *An Act for re-emitting the Bills of Credit of this Province heretofore re-emitted on Loan, and for striking the further Sum of Thirty-six Thousand Six Hundred and Fifty Pounds, to enable the Trustees to lend Fifty Thousand Pounds to Colonel John Hunter, Agent for the Contractors with the Right Honourable the Lords Commissioners of his Majesty's Treasury, for his Majesty's Service.* Passed June 20, 1759. A Supplement to the Act, intituled, "*An Act for re-emitting the Bills of Credit of this Province, heretofore re-emitted on Loan, and for striking the further Sum of Thirty-six Thousand Six Hundred and Fifty Pounds, to enable the Trustees to lend Fifty Thousand Pounds to Colonel John Hunter, Agent for the Contractors with the Right Honourable the Lords Commissioners of his Majesty's Treasury, for his Majesty's Service.*" Passed September 29, 1759.

An

An Act for recording Warrants and Surveys, and for rendering the real Estates and Property within this Province more secure. Passed July 7, 1759.

An Act for the more effectual suppressing of Lotteries and Plays, Passed June 20, 1759.

A Supplement to the Act, intituled, "An Act for establishing Courts of Judicature in this Province." Passed September 29, 1759.

An Act for the Relief of the Heirs, Devisees, and Assigns of Persons born out of the King's Legiance, who have been Owners of Lands within this Province and have died unnaturalized. Passed June 20, 1759.

The Lords of the Committee are of Opinion, that it may be adviseable for your Majesty to adjudge and declare, under your Privy Seal, all the said Six Acts to be void.

That as to the Act, intituled, *An Act for granting to his Majesty the Sum of One Hundred Thousand Pounds, and for striking the same in Bills of Credit in the Manner herein after directed, and for providing a Fund for sinking the said Bills of Credit by a Tax on all Estates real and personal, and Taxables within this Province.* Passed April 17, 1759.

The Lords of the Committee were of Opinion, that the said Act is fundamentally wrong and unjust, and ought to be repealed, unless the following Alterations and Amendments could be made therein, viz.

1. That the real Estates to be taxed, be defined with Precision, so as not to include the unsurveyed waste Land belonging to the Proprietaries.

2. That the located uncultivated Lands belonging to the Proprietaries, shall not be assessed higher than the lowest Rate at which any located uncultivated Lands belonging to the Inhabitants shall be assessed.

3. That all Lands not granted by the Proprietaries within Boroughs and Towns, be deemed located uncultivated Lands, and rated accordingly, and not as Lots.

4. That the Governor's Consent and Approbation be made necessary to every Issue and Application of the Money to be raised by Virtue of such Act.

5. That Provincial Commissioners be named, to hear and determine Appeals brought on the Part of the Inhabitants as well as of the Proprietaries.

6. That the Payments by the Tenants to the Proprietaries of their Rents, shall be according to the Terms of their respective Grants, as if such Act had never been passed.

The Proprietaries *Thomas Penn* and *Richard Penn*, and *Benjamin Franklin* and *Robert Charles*, Agents for the Province, being acquainted with the Opinion of this Committee, the Proprietaries declared, that, for the Sake of Peace, and to avoid further Contest, they would instruct their Governor to assent to an Act for discharging the said Debt of *One Hundred Thousand Pounds*, in the Form of the said Act now under Consideration so altered and amended.

AND the said Agents for the Province proposed, That in case this present Act should not be repealed, they would undertake that the Assembly will prepare, pass the Assembly, and offer to the Governor, an Act to amend this Act in such Manner as if it had originally been penned according to the Amendments and Alterations above proposed, and will indemnify the Proprietaries from any Damage they may sustain by such Act not being so prepared, passed by the Assembly and offered to the Governor, and have signed such Undertaking in the Books of the Council Office, in the following Words, viz.

"We the undersigned *Benjamin Franklin* and *Robert Charles*, Agents for the Province of *Pennsylvania*, do hereby consent, That in case an Act, passed in the said Province in *April*, 1759, intituled, *An Act for granting to his Majesty the Sum of One Hundred Thousand Pounds, and for striking the same in Bills of Credit in the Manner herein after directed, and for providing a Fund for sinking the said Bills of Credit by a Tax on all Estates real and personal, and Taxables within this Province*, shall not be repealed by his Majesty in Council, we the said Agents do undertake, that the Assembly of *Pennsylvania* will prepare and pass, and offer to the Governor of the said Province of *Pennsylvania*, an Act to amend the aforementioned Act according to the Amendments proposed in the Report made by the Lords of the Committee of Council of this Day, upon the said *One Hundred Thousand Pounds* Act, and other *Pennsylvania* Acts, and we will indemnify the

Proprietaries

Proprietaries from any Damage that they may sustain by such Act not being so prepared and passed by the Assembly, and offered to the Governor. Witness our Hands, this Twenty-eighth Day of *August*, 1760."

Lest some Inconveniences should arise from the Repeal of the said Act, in respect of the good Purposes thereof, the Lords of the Committee are humbly of Opinion, that your Majesty may rely upon the Undertaking for the Assembly of *Pennsylvania*, by their Agents, and permit this Act to stand unrepealed, because the Objections, upon which this Committee should have founded their Advice for the Repeal, will certainly be removed in a Way more agreeable and convenient to the Province.

That as to the Eight following Acts, intituled, *An Act for the Continuance of an Act of Assembly of this Province, intituled, "A Supplementary Act to the Act, intituled, An Act for preventing the Exportation of Bread and Flour not merchantable, and for the new Appointment of Officers to put the said Law in Execution."* Passed September 27, 1758.

An Act for the further Continuance of an Act of Assembly of this Province, intituled, "An Act for the Continuance of an Act of Assembly of this Province, intituled, A Supplementary Act to the Act, intituled, An Act for preventing the Exportation of Bread and Flour not merchantable, and for the new Appointment of Officers to put the said Law in Execution." Passed October 19, 1759.

An Act to prevent the Exportation of bad or unmerchantable Staves, Heading, Boards and Timber. Passed April 21, 1759.

A Supplement to the Act, intituled, "An Act for regulating the Hire of Carriages, to be employed in his Majesty's Service." Passed September 20, 1758.

A Supplement to an Act, intituled, "An Act for preventing Abuses in the Indian Trade, for supplying the Indians, Friends and Allies of Great-Britain, with Goods at more easy Rates, and for securing and strengthening the Peace and Friendship lately concluded with the Indians, inhabiting the Northern and Western Frontiers of this Province." Passed April 17, 1759.

A Supplement to the Act, intituled, "An Act for granting to his Majesty a Duty of Tonnage upon Ships and Vessels, and also certain Duties upon Wine, Rum, Brandy and other Spirits, and a Duty upon Sugar, for supporting and maintaining the Provincial Ship of War for protecting the Trade of this Province, and other Purposes for his Majesty's Service." Passed April 21, 1759.

An Act for regulating the Hire of Carriages, to be employed in his Majesty's Service. Passed April 21, 1759.

An Act to continue an Act, intituled, "An Act for directing the Choice of Inspectors in the Counties of Chester, Lancaster, York, Cumberland, Berks and Northampton." Passed September 29, 1759.

The Lords of the Committee do humbly report to your Majesty, that they have no Objection thereto.

And the Lords of the Committee do further humbly report to your Majesty, that as to the Act, intituled, *An Act for appointing an Agent to apply for and receive the distributive Share and Proportion, which shall be assigned to this Province, of the Sum of Money granted by Parliament to his Majesty's Colonies in America.* Passed September 29, 1759.

The Lords Commissioners for Trade and Plantations not having offered any Objection to this Act, it has been permitted to run out six Months since it was first laid before your Majesty, and by that Means it stands confirmed, by Virtue of the Proprietaries Charter.

And that with regard to the Three following Acts, intituled, *An Act, in Addition to an Act, intituled, "An Act for regulating the Hire of Carriages, to be employed in his Majesty's Service."* Passed September 29, 1758.

An Act for extending several Sections of an Act of Parliament, passed in the Thirty-second Year of the present Reign, intituled, "An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters." Passed April 21, 1759.

An Act for regulating the Officers and Soldiers in the Pay of this Province. Passed April 21, 1759.

The Lords of the Committee, do humbly report to your Majesty, that the said Three Acts are expired, and that it will therefore be unnecessary for your Majesty to give any Orders thereupon.

His Majesty this Day took the said Report into his Royal Consideration, and was pleased, with the Advice of his Privy Council, to approve of all that is therein proposed to be done with respect to the said Laws; and having adjudged and declared void the Six Acts first mentioned in the said Report, his Majesty hath thought proper to direct the Lord Privy Seal to prepare and pass, under the Privy Seal, a proper Instrument, signifying such his Majesty's Adjudication and Declaration of all the said Six Acts to be void. And his Majesty doth hereby further declare and order, that with respect to the Act for granting to his Majesty *One Hundred Thousand Pounds, and for striking the same in Bills of Credit, &c.* the same do stand unrepealed: And as to the Eight following Acts, to which the Lords of the Committee have offered no Objection, his Majesty is hereby pleased to signify his Royal Approbation thereof: And the Proprietaries of *Pennsylvania*, their Lieutenant or Deputy-Governor, and the Assembly of the said Province, and likewise all others whom it may concern, are to take Notice, and govern themselves accordingly.

W. B L A I R.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Domini 1760, in the Thirty-fourth Year of the Reign of our late Sovereign Lord GEORGE II. and continued by Adjournments to the Twenty-sixth Day of *September* following.

C A P. I.

An ACT to enable the Owners and Possessors of the Northern District of *Kings* Meadow Land, in the County of *Philadelphia*, to keep the Banks, Dams, Sluices and Floodgates in Repair, and to raise a Fund to defray the Expence thereof. Passed March 14, 1761.—Recorded A, Vol. IV. p. 197.—Private Act.

C A P. II.

An ACT for regulating Waggoners, Carters, Draymen and Porters, within the City of *Philadelphia*, and for other Purposes therein mentioned. Passed March 14, 1761.—Recorded A, Vol. IV. p. 232.—Expired.

C A P. III.

An ACT to regulate the Affize of Bread. Passed March 14, 1761.—Expired.

C A P. IV.

An ACT to enable *Thomas Yorke*, *James Child*, *Daniel Rundle*, *Peter Chevalier*, and *Enoch Story*, or any three of them, to sell the Provincial Ship of War. Passed March 14, 1761.—Obsolete.

C A P. V.

An ACT to enable the Owners and Possessors of the Meadow, at the West-Side of the Mouth of *Darby* Creek, by the River *Delaware*, in the Township of *Ridley*, in *Chester* County, to keep the Banks, Dams, Sluices and Flood-gates, in Repair for ever, and to raise a Fund to defray the Expence thereof. Passed March 14, 1761.—Recorded A, Vol. IV. p. 206.—Private Act.

C A P.

C A P. VI.

An A C T for the Preservation of Fish in the Rivers *Delaware*, *Sasquehanna*, and the *Lehigh*, commonly called, *The Western Branch of Delaware*.

WHEREAS it is found by Experience, that large Quantities of the Fry ^{Preamble.} and Brood of Fish, as well as young Fish unfit for Use, have been, for ^{11 GEO. III.} many Years past, killed and destroyed by Wears, Racks, Baskets, Dams, Pounds, and other like Engines and Devices, formed and erected in the Rivers *Delaware*, *Sasquehanna*, and the *Lehigh*, commonly called, *The Western Branch of Delaware*, for taking of larger Fish, whereby the great Quantities of Fish, which were formerly to be found and taken in the said Rivers, are much diminished, to the great Damage and Injury of the Public; For Remedy whereof, BE IT ENACTED by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Person or Persons whatsoever, from and after the Publication of this Act, shall erect, build, set up, repair or maintain, or shall be aiding, assisting or abetting, in erecting, building, setting up, repairing or maintaining, any Wear, Rack, Baskets, Fishing-dam, Pound, or other Device whatsoever, for the taking of Fish within the said Rivers, or any or either of them; or that shall fix or fasten any Net or Nets, across, or in any of the said Rivers, or any Part thereof, by which the Fish may be obstructed from going up the said Rivers; or that shall take, destroy, or spoil any Spawn, Fry or Brood of Fish, or any Kind of Fish whatsoever, in any such Wear, Rack, Baskets, Fishing-dam, Pound, or other Device aforesaid, every such Person or Persons so offending, contrary to the true Intent and Meaning of this Act, being legally convicted thereof, by the Oath or Affirmation of one or more credible Witnesses, or by his own Confession, shall forfeit and pay the Sum of *Twenty Pounds*, lawful Money of this Government, for every such Offence, or suffer Six Months Imprisonment, without Bail or Mainprize; one Moiety of which Forfeiture shall be paid to the Informer or Prosecutor, and the other Moiety to the Overseers of the Poor of the Township, City or Borough, where such Offender shall reside, for the Use of the Poor of the said Township, City or Borough, if Resident within this Province, if otherwise, where he shall be apprehended.

Penalty on
erecting
Wears, &c.

II. AND be it enacted by the Authority aforesaid, That all and every of the Offences, which shall be hereafter committed against the true Intent and Meaning of this Act, within either of the said Rivers *Delaware* or *Sasquehanna*, shall be laid to be committed within the said Rivers respectively, in the County which shall lie next to, or adjoin that Part of the said Rivers respectively where the Offence is committed; and the Justices of the County Court of Quarter Sessions of the said County, which shall so adjoin the Part of the said River where the Offence is committed, are hereby authorized, empowered and required, to hear, try, and determine the same, by a Jury of the County, in the same Manner as other criminal Offences, committed within their respective Counties, are usually heard, tried and determined, before them.

Offences
against this
Act to be
tried in the
County next
adjoining
where they
were com-
mitted.

III. AND whereas Part of the said River *Sasquehanna* divides the Counties of *Lancaster*, *York* and *Cumberland*, and some Doubts may arise in which of the said Counties the Offences committed within the said River, against this Act, ought to be tried; For removing whereof, Be it enacted by the Authority aforesaid, That all and every such Offence and Offences, which shall be committed within the said River *Sasquehanna*, shall be laid to be committed in any or either of the said Counties, joining on that Part of the said River where such Offence shall be committed, and heard, tried and determined, in the Court of Quarter Sessions of the same County, in Manner aforesaid.

IV. AND

Justices of
the Court
of Quarter
Sessions to
issue their
Warrants to
the Overseers
of Highways,
for removing
Wears, &c.

IV. AND for the more speedy Removal of such Wears, Racks, Baskets, Fishing-dams, Pounds, and other Devices aforesaid, as are already or hereafter shall be made in any of the said Rivers, *Be it enacted by the Authority aforesaid*, That the Justices of the County Court of Quarter Sessions, of the several Counties within this Province, bounded on and adjoining to any of the said Rivers, or in which the same are included, at their next Court of Quarter Sessions, after the Publication of this Act, and as often after as there shall be Occasion, and that any Justice or Justices of the Peace, out of Term Time, shall, and they are hereby enjoined and required, to issue forth their Warrants to the Overseers of the Highways of each and every Township, next adjacent to the Wear, Rack, Fishing-dam, Pound, or other Device aforesaid, so erected, or in which they, or any of them, shall be erected, enjoining and requiring them the said Overseers respectively forthwith to remove, or cause to be removed, every such Wear, Rack, Basket, Fishing-dam, Pound, or other Device aforesaid; and for that Purpose to summon the Inhabitants of their respective Townships, giving them three Days Notice, to repair to, throw down, remove and destroy such Wear, Rack, Basket, Fishing-dam, Pound, or other Device aforesaid, so erected, built or set up in Manner aforesaid, and to make Return of such their Proceedings to the said Justices, at their next Court of Quarter Sessions, by whom such Warrants shall be respectively issued; and if any such Overseer or Overseers of the Highways, to whom such Warrant shall be directed, shall refuse or neglect to discharge and perform the Duty thereby enjoined and required of him or them, he or they so offending, and being thereof legally convicted by a Jury of the County, or by his or their own Confession, before the said Justices, in their said Court of Quarter Sessions, shall, for every such Offence, forfeit and pay to the Overseers of the Poor of the Township where such Offender or Offenders shall reside, the Sum of *Ten Pounds*, for the Use of the Poor of the said Township; and if any Inhabitant, so summoned, shall refuse or neglect to attend in Person, or to send another able Person in his Room, to assist in throwing down, removing and destroying such Wear, Rack, Fishing-dam, Basket, Pound or other Device aforesaid, so erected, built or set up, in such Manner as the said Overseer or Overseers shall order and direct, he shall forfeit and pay the Sum of *Ten Shillings* for every such Offence, to the Overseers of the Poor of the Township whose Inhabitants are so summoned, for the Use of the Poor; to be recovered and levied as Debts under *Forty Shillings* are by Law directed to be recovered and levied.

Penalty on
Persons ob-
structing the
Removing of
Wears, &c.

V. AND to prevent any Delay that may happen, through Default of any of the said Justices, the said Overseers of the Highways, or of any other Person or Persons whatsoever, *Be it enacted by the Authority aforesaid*, That it shall and may be lawful to and for any Person or Persons whatsoever to break, throw down, remove and destroy, all or any Wear or Wears, Fishing-dams, Racks, Baskets, Pounds, or other Device whatsoever, built, set up or laid, or to be built, set up or laid, within any of the aforesaid Rivers, for catching of Fish as aforesaid; and that every Person or Persons, who shall assault, hinder or obstruct, any Person in pulling down, breaking, removing or destroying, any of the aforesaid Devices, in any of the Rivers aforesaid, and being thereof legally convicted before any one of the said Justices of the said Courts, shall forfeit and pay for every such Offence *Five Pounds*, lawful Money as aforesaid; one Moiety thereof to the Use of the Poor as aforesaid, and the other Moiety to the Person or Persons assaulted or obstructed in removing or destroying any of the said Devices, to be recovered by a Warrant from any of the said Justices, as Debts of *Five Pounds*, or under, are recoverable by the Laws of this Province.

Constable to
inspect, and
give In-
formation of
Offences
against this
Act, &c.

VI. AND for the more effectual detecting and punishing Offenders against this Act, *Be it enacted by the Authority aforesaid*, That the Constable of each respective Township, which shall be bounded by or adjoin to any Part of any or either of the said Rivers, shall, and he is hereby enjoined and required, under the Penalty of *Five Pounds*, to be recovered and applied in Manner last aforesaid, carefully and diligently to inspect and view, once at least in every Fourteen Days, from the First Day of *August* to the First Day of *December*, in every Year, such Parts of the said Rivers as shall be adjoining his respective Township; and having any Knowledge of any Offences against this Act, he shall forthwith give Information thereof to some Justice of the Peace, who shall immediately issue his Warrant

Warrant to the Overseers of the Highways aforesaid, for the Purposes aforesaid; and the said Constable shall also present, on Oath or Affirmation, every such Offence to the Justices of the Court of Quarter Sessions of their respective Counties, together with the Name and Names of such Offender or Offenders, that he or they may be tried according to the Directions of this Act; which Oath or Affirmation the said Justices are hereby required duly and carefully to administer.

VII. *PROVIDED* always nevertheless, and be it further declared and enacted, That so much of this Act as relates to the Wears, Racks, Baskets, Fishing-dams, Pounds, and other Devices aforesaid, already erected, or hereafter to be erected, in the River *Delaware*, shall be, and shall be deemed, held, construed and taken, to be of no Force, Validity or Virtue, until a Bill for remedying the same Mischiefs and Inconveniences, hereby intended to be remedied in the said River, shall be passed and enacted into a Law by the Legislature of the Province of *New-Jersey*, and be in full Force and Virtue; and that so much of this Act as relates to the Wears, Racks, Baskets, Fishing-dams, Pounds, and other Devices aforesaid, already erected, or hereafter to be erected, in the River *Sasquehanna*, shall be, and shall be deemed, held, construed and taken, to be of no Force, Validity or Virtue, until a Bill for remedying the same Mischiefs and Inconveniences, thereby intended to be remedied in the said River, shall be passed and enacted into a Law by the Legislature of the Province of *Maryland*, and be in full Force and Virtue, any Thing herein contained to the contrary thereof in any wise notwithstanding.

Passed March 14, 1761.

C A P. VII.

An ACT for raising, paying and cloathing Three Hundred Men, properly officered, for relieving the several Forts and Posts within the Communication to *Pittsburgh*, and for continuing an Act for regulating the Officers and Soldiers in the Pay of this Province.

Passed March 14, 1761.—Expired.

C A P. VIII.

An ACT for making the River *Schuylkill* navigable, and for the Preservation of the Fish in the said River.

WHEREAS the River *Schuylkill* is navigable for Rafts, Boats, and other small Craft, in Times of high Freshes only, occasioned by the Obstruction of Rocks, and Bars of Sand and Gravel, in divers Parts of the same: And whereas the improving the Navigation of the said River, so as to make it passable at all Times, will be very advantageous to the Poor, greatly conducive to the Promotion of Industry, and beneficial to the Inhabitants residing on or near said River, by enabling them to bring the Produce of the Country to the Market of the City of *Philadelphia*, and thereby increase the Trade and Commerce of the Province: And whereas divers of the Inhabitants of this Province, desirous to promote the Welfare of the Public, have subscribed large Sums of Money for the Purposes aforesaid, and, by Petition to the Assembly, have requested that Commissioners may be appointed by Law to take, receive and collect the said Subscriptions, and such others as shall be hereafter given or subscribed, and to apply and appropriate the same for and towards the clearing, scouring and rendering the said River navigable as aforesaid, BE IT THEREFORE ENACTED by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That *Joseph Fox*, *John Hughes*, *Samuel Rhoads*, *John Potts*, *William Palmer*, *David Davis*, *Mordecai Moore*, *Henry Pawling*, *James Coultas*, *Jonathan Coates*, *Joseph Millard*, *William Bird*, *Francis Parvin*, *Benjamin Lightfoot*, and *Isaac Levan*, or a Majority of them, shall be, and are hereby constituted and appointed Commissioners for clearing, scouring

What relates to Wears, &c. already erected in *Delaware* or *Sasquehanna*, to be of no Force, until Laws are passed for the same Purpose in *New-Jersey* and *Maryland*.

Commissioners appointed for clearing the River, &c.

and making the said River *Schuylkill* navigable; who, or a Majority of them, as aforesaid, shall have full Power and Authority, by Virtue hereof, to take, collect, recover and receive, of and from any Person or Persons whatsoever, any Sum or Sums of Money, which are or shall hereafter be given, granted or subscribed, for and towards making the said River *Schuylkill* navigable; and the Monies so collected, recovered and received by them, to lay out, appropriate and employ, for and towards making the said River navigable, and passable for Boats, Flats, Rafts, Canoes, and other small Vessels, from the Ridge of Mountains, commonly called the *Blue Mountains*, to the River *Delaware*.

Commissioners to have full Power to enlarge, straiten or deepen the said River, &c.

II. *AND* be it further enacted by the Authority aforesaid, That the said Commissioners, or the major Part of them, shall have full Power and Authority, by themselves, their Agents, Servants, Hirelings and Workmen, to clear, scour, open, enlarge, straiten or deepen the said River, in any Part, Place or Places thereof, which shall appear to them most convenient for opening, making anew, or improving the Channel; and also to cut, blow up, remove or take away all Trees, Rocks, Beds of Gravel, Sand or Mud, Wears, Fishing-dams, Baskets, Pounds, Stones, or any other Impediment or Obstruction whatsoever, which may or can in any Manner hinder, impede or obstruct the Navigation of the said River; and to form, make, erect, and set up in the said River any Dams, Penns for Water-locks, or any other Works whatsoever, which they shall think most fit and convenient to answer the Purpose aforesaid, and to alter, repair or amend the same, as often as it shall be necessary or convenient; and also to appoint, set out and make Towing-paths, or Ways for towing, hauling or drawing of Boats, Vessels, or other small Craft, and Rafts of any Kind whatsoever, in, upon or through the said River; which said Paths shall be free and open to all Persons whatsoever, having Occasion to use the same; and from Time to Time, and at all Times hereafter, to do, execute and perform all and every other Matter and Thing in the said River, necessary or convenient for making, maintaining, supporting and continuing the Navigation thereof.

Penalty on Persons setting up or repairing Wears, &c.

III. *AND* be it enacted by the Authority aforesaid, That if any Person or Persons whatsoever, from and after the Publication of this Act, shall erect, build, set up, repair or maintain, or shall be aiding, assisting or abetting, in erecting, building, setting up, repairing or maintaining, any Wear, Rack, Basket, Fishing-dam, Pound, or other Device or Obstruction whatsoever, within the said River, or that shall fix or fasten any Net or Nets across the same, or any Part thereof, whereby the Fish may be obstructed from going up the said River, or that shall take, destroy or spoil any Spawn, Fry or Brood of Fish, or any Kind of Fish whatsoever, in any such Wear, Rack, Dam, Basket, Pound, or other Device aforesaid, every such Person so offending, being thereof legally convicted, by the Oath or Affirmation of one or more credible Witnesses, or by his own Confession, shall forfeit and pay the Sum of *Twenty Pounds*, lawful Money of this Government, for every such Offence, or suffer six Months Imprisonment, without Bail or Mainprize; one Moiety of which Forfeiture shall be paid to the Informer or Prosecutor, and the other Moiety to the Overseers of the Poor of the Township where such Offender shall reside, for the Use of the Poor of the said Township.

Justices of the Quarter Sessions to issue their Warrants to Overseers of Highways for removing Wears, &c.

IV. *AND* for the more speedy Removal of such Wears, Racks, Baskets, Fishing-dams, Pounds, and other Devices and Obstructions aforesaid, as are already or hereafter shall be made in any Part of the said River, *Be it enacted by the Authority aforesaid*, That the Justices of the County Court of Quarter Sessions, of the several Counties within this Province, bounded on and adjoining to any Part of the said River, at their next Court of Quarter Sessions after the Publication of this Act, and as often after as there shall be Occasion, and that any of the said Justices of the Peace out of Sessions shall, and they are hereby enjoined and required, to issue forth their Warrants to the Overseers of the Highways of each and every Township next adjacent to the Wear, Rack, Fishing-dam, Basket, Pound, or other Device or Obstruction aforesaid, so erected, enjoining and requiring them, the said Overseers respectively, forthwith to remove, or cause to be removed, every such Wear, Rack, Basket, Fishing-dam, Pound, or other Device or Obstruction aforesaid; and for that Purpose to summon the Inhabitants of their respective Townships, giving them three Days Notice, to repair to,

throw

throw down, remove and destroy such Wear, Rack, Basket, Fishing-dam, Pound, or other Device or Obstruction aforesaid, so erected, built or set up, and to make Return of such their Proceedings to the said Justices, at their next Court of Quarter Sessions, by whom such Warrants shall be respectively issued. And if any such Overseer or Overseers of the Highways, to whom such Warrant shall be directed, shall refuse or neglect to discharge and perform the Duty thereby enjoined and required of him or them, he or they so offending, and being thereof legally convicted by a Jury of the Country, or by his or their own Confession before the said Justices, in their said Court of Quarter Sessions, shall, for every such Offence, forfeit and pay to the Overseers of the Poor of the Township, where such Offender or Offenders shall reside, the Sum of *Ten Pounds*, for the Use of the Poor of the said Township. And if any Inhabitant so summoned shall refuse or neglect to attend in Person, or to send another able Person in his Room, to assist in throwing down, removing and destroying such Wear, Rack, Fishing-dam, Basket, Pound, or other Device or Obstruction aforesaid, so erected, built or set up, in such Manner as the said Overseer or Overseers shall order and direct, he shall forfeit and pay the Sum of *Ten Shillings* for every such Offence, to the Overseers of the Poor of the Township, whose Inhabitants are so summoned, for the Use of the said Poor, to be recovered and levied as Debts under *Forty Shillings* are by Law directed to be recovered and levied.

V. AND to prevent any Delay that may happen, through the Default of any of the said Justices, Overseers of the Highways, or Persons so summoned, *Be it enacted by the Authority aforesaid*, That it shall and may be lawful to and for any Person or Persons whatsoever to break, throw down, remove and destroy all or any such Wear or Wears, Fishing-dams, Racks, Baskets, Pounds, or other Device or Obstruction whatsoever, built, erected, set up, or to be built, erected or set up, within the aforesaid River; and that every Person or Persons, who shall assault, hinder or obstruct any Person in pulling down, breaking, removing or destroying any of the aforesaid Devices or Obstructions, in any Part of the River aforesaid, and being thereof legally convicted, before any one of the said Justices of the said Courts, shall forfeit and pay, for every such Offence, *Five Pounds*, lawful Money as aforesaid; one Moiety thereof to the Use of the Poor as aforesaid, and the other Moiety to the Person or Persons assaulted or obstructed in removing or destroying any of the aforesaid Devices or Obstructions, to be recovered by a Warrant from any of the said Justices, as Debts of *Five Pounds*, or under, are recoverable by the Laws of this Province.

VI. AND for the more effectual detecting and punishing Offenders against this Act, *Be it enacted by the Authority aforesaid*, That the Constable of each respective Township which shall be bounded by, or adjoined to any Part of the said River, shall, and he is hereby enjoined and required, under the Penalty of *Five Pounds*, to be recovered and applied in Manner last aforesaid, carefully and diligently to inspect and view, once at least in every Fourteen Days, from the First Day of *August*, to the First Day of *December*, in every Year, such Parts of the said River as shall be adjoining to his respective Township; and having any Knowledge of any Offences against this Act, he shall forthwith give Information thereof to some Justice of the Peace, who shall immediately issue his Warrant to the Overseers of the Highways aforesaid, for the Purposes aforesaid; and the said Constable shall also present, on Oath or Affirmation, every such Offence to the Justices of the Court of Quarter Sessions of their respective Counties, together with the Name and Names of such Offender or Offenders, that he or they may be tried according to the Directions of this Act; which Oath or Affirmation the said Justices are hereby required duly and carefully to administer.

VII. AND whereas Part of the said River *Schuylkill* divides the Counties of *Philadelphia* and *Chester*, some Doubts have arisen in which of the said Counties the Offences committed within the said River shall be tried; for removing of which Doubts, *Be it enacted by the Authority aforesaid*, That it shall and may be lawful for the Person or Persons informing, prosecuting or complaining of any of the aforesaid Offences, committed within the said River, to lay the same to be committed within the said River in the County of *Philadelphia* or *Chester*, and the same shall be heard, tried and determined in either of the said Counties, joining on that Part of the River where the Offence is committed, at his Election.

VIII. PRO-

Penalty on
Persons ob-
structing the
removing of
Wears, &c.

Constable to
inspect, and
give Infor-
mation of
Offences
against this
Act, &c.

Manner of
prosecuting
Offenders.

Dams, &c.
erected by
the Com-
missioners for
improving
the Naviga-
tion, not to
be moved,
&c.

VIII. *PROVIDED* always nevertheless, That nothing herein contained shall be held, deemed, taken or construed to prevent, prohibit or obstruct the said Commissioners from making, erecting or setting up any Dams, Penns for Water-locks, or other Works or Devices in the said River, which they shall think necessary to aid, assist or improve the Navigation of the same, or by any Means whatsoever to lessen, diminish or destroy the Powers and Authorities herein before given and invested in them, or to compel or oblige, authorise or empower, any Justice or Justices, either in or out of their Sessions as aforesaid, or any Overseer or Overseers of the Highways, or any other Person whatsoever, to pull down, destroy, or amove such Parts of the said Dams, and other Devices aforesaid, as shall be deemed and adjudged by the said Commissioners necessary and convenient to promote or improve the Navigation aforesaid; but all and every such Part of the said Dams, and other Devices aforesaid, the said Overseers, and all other Persons whatsoever, are hereby enjoined and required to suffer the same to remain unmoved, any Thing herein before to the contrary in any wise notwithstanding.

Commission-
ers to make
Report year-
ly to the
Assembly.

IX. *AND* be it enacted by the Authority aforesaid, That the said Commissioners shall, once in every Year, make Report of their Transactions, in clearing, scouring and rendering navigable the said River, to the Assembly of this Province for the Time being, and shall lay before them a faithful and just Account of all and every Sum and Sums of Money by them had and received for the clearing the said River, and in what Manner the same shall be expended and laid out, that the same may be adjusted, settled and allowed.

Former Acts
relating to
Wears, &c.
repealed.

X. *AND* be it enacted by the Authority aforesaid, That an Act passed in the Third Year of the Reign of King GEORGE the Second, intituled, *An Act to prevent the erecting Wears, Dams, &c. within the River Schuylkill*, and the Act passed in Eighth Year of the same Reign, intituled, *An Act the more effectually to prevent the erecting of Wears, Dams, &c. within the River Schuylkill*, and all and every Article, Clause and Thing in the said Acts contained, shall be, and is hereby declared to be repealed, null and void, to all Intents and Purposes whatsoever.

Passed March 14, 1761.

C A P. IX.

An ACT to enable certain Trustees to sell Lands in the County of *Philadelphia*, settled in Trust, for the Use of the Minister of *Oxford Church*, and to receive the voluntary Donations of the Inhabitants; and, with the Money arising therefrom, to purchase other Lands, to be settled to the same Use.

Passed March 14, 1761.—Recorded A, Vol. IV. p. 228.—Private Act.

C A P. X.

An ACT for laying a Duty on *Negroes* and *Mulattoe* Slaves, imported into this Province.

13 Geo. III.

Duty on Ne-
groes im-
ported into
this Province
for sale, &c.

WE the Representatives of the Freemen of the Province of *Pennsylvania* desire that it may be enacted, AND BE IT ENACTED by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That for every *Negro* or *Mulattoe* Slave, which shall be imported, landed, or brought into this Province, at any Time after the passing of this Act, other than such *Negroes* and *Mulattoe* Slaves as are actually shipped for Sailors, and shall continue in the Service of the Vessel they were brought in, and not be exposed to Sale in this Province, and other than such *Negroes* and *Mulattoe* Slaves as shall be brought or sent into this Province upon their Masters immediate Business, and not to remain in the Province, or for Sale, there shall be paid the Sum of *Ten Pounds*; and that all Masters of Vessels and others, who shall, after the passing of this Act, bring into this Province, by Land or Water, any *Negroes* or *Mulattoe* Slaves, shall forthwith make Entry, and give or cause to be

given

given, on Oath or Affirmation, to the Person hereafter appointed to collect the said Duty, or his lawful Deputy, a true and just Account of all the *Negroes* or *Mulattoe* Slaves so imported or brought in, and to whom they respectively belong, which the said Collector shall duly enter in a Book for that Purpose, and thereupon shall grant a Permit, for which the Person obtaining the same shall pay the Sum of of *Two Shillings and Six-pence*, for every *Negroe* or *Mulattoe* Slave contained in the said Permit, for landing or bringing them in.

II. *AND be it further enacted by the Authority aforesaid*, That every Master of a Vessel, or other Person, who by this Act are obliged, or ought to make such Entry as aforesaid, and shall refuse or neglect to make the same accordingly, within the Time and in the Manner directed by this Act, and being thereof convicted before any one Justice of the Peace, or before the Mayor or Recorder of the City of *Philadelphia* for the Time being, shall forfeit, for every *Negroe* or *Mulattoe* Slave, of which he ought to give an Account to the Collector of the Duties imposed by this Act, the Sum of *Thirty-five Shillings*, to be levied upon the Goods and Chattels of the Party offending, by Warrant under the Hand and Seal of the Justice, or of the Mayor or Recorder aforesaid, before whom the Party is convicted. And that every such Importer, Owner or Claimer of such *Negroes* or *Mulattoe* Slaves, shall, before landing of them, pay down the said Duty, or otherwise become bound to the Collector for the Time being, with one or more sufficient Sureties, or procure some other sufficient Person or Persons to be bound to the said Collector, to answer and pay the said Duty, hereby imposed upon such *Negroes* or *Mulattoe* Slaves, within six Months next after the Date of the said Obligation, for which the Collector shall receive of the Party the Sum of *Two Shillings and Six-pence*, and no more.

Penalty on Masters of Vessels not making Entry.

III. *AND be it further enacted by the Authority aforesaid*, That if any of the said *Negroes* or *Mulattoe* Slaves shall be imported, landed or brought in, during the Continuance of this Act, without making Entry, and obtaining a Permit as aforesaid, or without paying, or giving Security for Payment of the said Duty, in Manner aforesaid, that then all the *Negroes* or *Mulattoe* Slaves so imported, landed or brought in, or the Value of them, if they cannot be found, shall be forfeited by the Importer or Owner; one Moiety (after the said Duty, and all Charges of Seizure and Prosecution are deducted) shall go to the Governor, for Support of Government, and the other Half, after the said Deduction, to the said Collector, or such other Person as will sue for the same, in any Court of Record in this Province, by Bill, Complaint or Information, wherein no Effoin, Protection or Wager of Law, or any more than one Imparlance, shall be allowed.

Negroes, &c. imported without paying the Duty, to be forfeited.

IV. *AND be it further enacted by the Authority aforesaid*, That the said Collector of the said Duty arising by this Act, or his Deputy, shall have full Power and Authority, by Virtue hereof, without any further or other Warrant, to enter on board any Ship or Vessel, and into any House or Place whatsoever, where he shall suspect any of the said *Negroes* or *Mulattoe* Slaves to be concealed, and make Searches, and do all other Matters and Things, which may tend to secure the true Payment of the said Duty, and the due and orderly Collection thereof; and in case of Opposition or Refusal, the said Collector, or his Deputy, with the Assistance of the Sheriff, Water Bailiff, Constable, or other Officer, who, without any other or further Warrant, are enabled and required, under the Penalty of *Five Pounds* for every Neglect or Refusal in that Behalf, to be recovered as aforesaid, to be aiding and assisting to the said Collector, to seize the said *Negroes* and *Mulattoe* Slaves, which shall be concealed, or endeavoured so to be, as aforesaid, and for that End to break open Doors, and other Things, in the Day Time, and to do and perform all other Act and Acts, which by this Act is and are required to be done for collecting, receiving and recovering of the said Duty, and the Penalties and Forfeitures herein mentioned, or for making Seizures of *Negroes* or *Mulattoe* Slaves, landed or brought in without making Entries, and paying and securing the said Duty, in as full and ample Manner, to all Intents, as any of the Collectors or Officers of the King's Customs may or can do, by the Laws of *Great-Britain*.

Collector to enter on board, and search any Ship, &c.

V. *AND be it further enacted by the Authority aforesaid*, That all Masters of Vessels and others, trading in the River *Delaware*, and coming into any Port

Penalty on
Persons trad-
ing in *De-la-
ware*, and
not comply-
ing with this
Act.

Negroes for-
feited, if not
entered in
Forty-eight
Hours after
their Arrival,
&c.

Persons set-
tling in this
Province, to
give Security
to the Col-
lector, &c.

Penalty on
Constables
not returning
Lists of *Neg-
roes*, &c.

Collector ap-
pointed, &c.

or Place of this Province, having *Negroes* or *Mulattoe* Slaves on board, which by this Act are liable to pay the said Duty, are hereby required, under the Penalty of *Thirty-five Shillings*, to comply with the Directions of this Act, as if such Vessel came from Sea directly; and that all Persons, obliged by this Act to pay the said Duty, shall apply to the said Collector, or his Deputy, without any Notice given, or Request made by him for their so doing.

VI. *AND be it further enacted by the Authority aforesaid*, That in case any Vessel shall arrive at any Port, Member, Creek or Landing-place in this Province, with any *Negroes* or *Mulattoe* Slaves on board, and there remain the Space of Forty-eight Hours without making Entry, under Pretence of going to some other Port, or any other Pretence whatsoever, the Master or Owner of the said Vessel shall give a true Account of the Number of *Negroes* or *Mulattoe* Slaves on board, and shall give Security to the said Collector, or his Deputy, that he shall not land any of the said *Negroes* or *Mulattoe* Slaves, without Entry made, and Permit obtained from the said Collector, under the Penalty of Seizure and Forfeiture of the said *Negroes* or *Mulattoe* Slaves, to be recovered as aforesaid.

VII. *PROVIDED always*, That if any of the said *Negroes* or *Mulattoe* Slaves, for which the said Duty is paid or secured as aforesaid, shall, within the Space of Six Months, be exported or carried out to Sea, then, and in such Case, three Fourths of the said Duty hereby imposed shall be abated for such of them as shall be exported as aforesaid, and, on Payment of the remaining one Fourth Part, the Security given shall be delivered up and discharged; and the Officer shall and may deduct *Five Shillings per Head* for his Care and Trouble therein.

VIII. *PROVIDED also*, That all such *Negroes* or *Mulattoe* Slaves, for which such Deduction shall be made, shall actually, and *bona Fide*, be forthwith shipped off, or sent out of this Province, so as not to return again without complying with this Act, under the Penalty of Seizure and Forfeiture, as aforesaid.

IX. *PROVIDED always nevertheless*, That if any Person or Persons shall, during the Continuance of this Act, transport him or themselves, with their Families and *Negroes* or *Mulattoe* Slaves, in order to settle in this Province, and shall, upon Oath or Affirmation, declare before the said Collector, or his Deputy, who are hereby impowered to administer the same, that such *Negroes* or *Mulattoe* Slaves, so brought in, are for their own Service, and not for Sale, he or they shall not be liable to pay the said Duty for such *Negroes* or *Mulattoe* Slaves, but shall forthwith give Security to the said Collector, which he is hereby impowered and required to take, by a Bond, of the full Value of such *Negroes* or *Mulattoe* Slaves, conditioned for the Payment of the Rates aforesaid, in case such *Negroes* or *Mulattoe* Slaves shall be sold, or the Property of them directly or indirectly altered, within the Space of Eighteen Months after the Date of such Bond.

X. *AND to prevent the clandestine Practice of landing or bringing in of Negroes or Mulattoe Slaves, into the remote Parts of this Province, by Masters of Vessels, Merchants or others, without making Entry of, and paying the Duty for the same, according to the Directions of this Act, Be it enacted by the Authority aforesaid*, That the Constables of the respective Townships, Hundreds, or Wards within this Province, shall, and are hereby obliged, under the Penalty of *Twenty Shillings* for every Refusal or Neglect, upon Oath or Affirmation, which the said Justices, or some of them, are hereby required to administer, to bring in a List to the respective Courts of Quarter Sessions for the City or County where they live, of all the *Negroes* and *Mulattoe* Slaves that shall come or be brought into their respective Townships or Wards, and by whom the said *Negroes* were imported or brought in, and in whose Possession such *Negroes* or *Mulattoe* Slaves are: And the Collector, or his Deputy or Deputies in the respective Counties, shall and may have Recourse to the Returns of the Constables, for the better collecting the Duties, Fines and Forfeitures, arising by Virtue of this Act.

XI. *AND be it further enacted by the Authority aforesaid*, That Richard Pearne, of *Philadelphia*, shall be and is hereby appointed the Collector of the said Duty hereby imposed, and Receiver of all Fines, Forfeitures and Penalties, herein before appointed to be set, imposed and levied, by Virtue of this Act,

which

which the said Collector, by himself or his Deputy, is hereby impowered to demand, collect, receive and recover, of and from all Persons importing, landing or bringing in any *Negroes* or *Mulattoe* Slaves, during the Continuance of this Act, and shall, from Time to Time, take all Bonds required to be given as aforesaid. And the said Collector shall keep fair and true Accounts, in Writing, of all such Transactions relating to the Premises, which he shall from Time to Time submit to the View and Inspection of the Provincial Treasurer, and lay the same before the Assembly, when thereunto required, and once in Six Weeks, or oftener, if required, during the Continuance of this Act, pay into the said Treasurer's Hands all such Sums of Money, as he shall receive by Virtue of this Act, and shall deduct out of the same, for his own Use, *Five per Cent.* for all Sums so by him paid; and shall further be allowed by the said Treasurer, in the final adjusting of his Accounts, all reasonable Charges by him expended in the Prosecution of the said Seizures, and Recovery of any of the said Fines, Forfeitures and Penalties, in Pursuance of this Act.

XII. *PROVIDED* always, That the said Collector, before he enters upon the Execution of his Office, shall be sworn or attested before some Justice of the Peace, and shall, with one or more sufficient Sureties, become bound in an Obligation of *Five Hundred Pounds* to the Treasurer, conditioned for the true and faithful Execution of his said Office. Collector to give Security.

XIII. *AND* be it further enacted by the Authority aforesaid, That if any Person or Persons shall at any Time be sued or prosecuted, for any Thing done in Pursuance of this Act, such Person or Persons, so sued or prosecuted, may plead the general Issue, and give this Act, and the special Matter, in Evidence, for their Excuse or Justification; and if the Plaintiff or Prosecutor become Non-suit, or forbear Prosecution, or suffer a Discontinuance, or if a Verdict pass against him in such Action, Suit or Information, the Defendant shall have treble Costs, as in any Cases where Costs by Law are given to Defendants. Persons sued for any Thing done in Pursuance of this Act, may plead the general Issue.

XIV. *AND* be it enacted by the Authority aforesaid, That all Duties arising by Virtue of this Act shall be paid to the Uses and Purposes of an Act, passed in the Twelfth Year of the late King GEORGE the First, intituled, *An Act for the better regulating of Negroes in this Province*, so far as it relates to the Payment of the Owners or Masters of *Negroes* convicted of capital Crimes, and executed in this Province; and the Overplus, if any, shall be paid into the Hands of the Provincial Treasurer, to be applied towards sinking the Sums of Money heretofore granted to the King's Use. Manner of applying the Duties arising from this Act.

XV. *AND* be it further enacted by the Authority aforesaid, That this Act shall be and continue in Force for Four Years, from and after the Publication thereof, and from thence till the End of the next Sitting of Assembly, and no longer. Limitation.

XVI. *AND* be it further enacted by the Authority aforesaid, That an Act of General Assembly of this Province, intituled, *An Act for laying a Duty on Negroes, imported into this Province*, be and is hereby repealed, and made void. Former Act repealed.

Passed March 14, 1761.

C A P. XI.

A SUPPLEMENT to an Act, intituled, *An Act for laying a Duty on Negroes and Mulattoe Slaves, imported into this Province.*

WHEREAS *Richard Pearne*, the Officer appointed in and by Virtue of the Act of General Assembly, intituled, *An Act for laying a Duty on Negroes and Mulattoe Slaves, imported into this Province*, has, since the Publication thereof, departed this Life, and there remains no Person to execute the several Duties, Matters and Things, by the same Law enjoined and required to be done; BE IT THEREFORE ENACTED by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Suffex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said

Preamble.

Officer appointed in the Room of *Richard Pearne*, deceased.

said Province, in General Assembly met, and by the Authority of the same, That *Thomas Coombe*, of the City of *Philadelphia*, is hereby nominated and appointed the Officer to succeed him, the said *Richard Pearne*, in the said Office, who, immediately from and after the passing of this Act, is hereby fully authorized, and strictly enjoined and required to do, execute and perform, all and singular the Matters and Things whatsoever, enjoined and required to be done by him, the said *Richard Pearne*, in and by the said recited Act, had he survived, as fully and amply, to all Intents and Purposes, as the said *Richard Pearne* could or might have done, and as fully as if the said *Thomas Coombe* had been nominated and appointed in and by Virtue of the said Act; he, the said *Thomas Coombe*, before he enters upon the Execution of his said Office, first giving Bond, with one or more sufficient Sureties, to the Provincial Treasurer for the Time being, in the Sum of *Five Hundred Pounds*, with Condition for the due Execution of his Trust, and Performance of all Things required of him, as well by this Act as the said Act to which this Act is a Supplement.

II. *AND be it enacted by the Authority aforesaid*, That this Act shall continue and be in full Force and Virtue, for and during the Continuance of the said recited Act of Assembly, to which this Act is a Supplement, and no longer.

Passed April 2, 1761.

C A P. XII.

A SUPPLEMENT to an Act, intituled, *An Act to prevent the Exportation of bad or unmerchable Staves, Heading, Boards and Timber.*

Passed April 22, 1761.—Repealed by 7 GEORGE III.

C A P. XIII.

An ACT for appointing certain Persons herein after named to apply for, and receive the distributive Shares and Proportions, which are or shall be allotted to this Province, out of the Sum or Sums of Money granted, or to be granted by Parliament to his Majesty's Colonies in *America*.

Passed September 26, 1761.—Obsolete.

C A P. XIV.

An ACT for the Relief of *William Griffiths*, with Respect to the Imprisonment of his Person.

Passed September 26, 1761.—Private Act.

C A P. XV.

An ACT to enable the Owners and Possessors of *Schuylkill-Point* Meadow Land, in the County of *Philadelphia*, to keep the Banks, Dams, Sluices and Floodgates in Repair, and to raise a Fund to defray the Expence thereof.

Passed September 26, 1761.—Recorded A, Vol. IV. p. 243.—Private Act.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Domini 1761, in the First Year of the Reign of our Sovereign Lord GEORGE III. and continued by Adjournments to the Fourteenth Day of *May* following.

C A P. I.

An ACT to enable the Owners and Occupiers of the *Wicacoa* Meadows, in the County of *Philadelphia*, to keep the Banks, Dams, Sluices and Floodgates in Repair, and to raise a Fund to defray the Expence thereof.

Passed February 17, 1762.—Recorded A, Vol. IV. p. 277.—Private Act.

C A P.

C A P. II.

An A C T to enable the Owners and Possessors of a certain Tract of Marsh and Meadow Land, therein described, situate in the Counties of *Philadelphia* and *Chester*, to keep the Banks, Dams, Sluices and Floodgates in Repair, and to raise a Fund to defray the Expence thereof.

Passed February 17, 1762.—Recorded A, Vol. IV. p. 286.—Private Act.

C A P. III.

An A C T to enable the Owners and Possessors of the Southern District of *Darby* Marsh or Meadow Ground, in the County of *Chester*, to embank and drain the same, to make and keep the Outside Banks and Dams in good Repair for ever, and to raise a Fund to defray the yearly Expences accruing thereon.

Passed February 17, 1762.—Recorded A, Vol. IV. p. 296.—Private Act.

C A P. IV.

An A C T for the Recovery of the Duties of Tonnage upon Ships and Vessels, and certain other Duties upon Wine, Rum, Brandy and other Spirits, and upon Sugar, which became due by Virtue of a Law of this Province lately expired, and which were not received or secured during the Continuance thereof, and for appropriating the Surplus of the said Duties.

Passed February 17, 1762.—Obsolete.

C A P. V.

An A C T for vesting the State-House, and other public Buildings, with the Lots of Ground whereon the same are erected, together with other Lots, situate in the City of *Philadelphia*, in Trustees, for the Uses therein particularly mentioned.

WHEREAS, by the Directions of the Representatives of the Freemen of Preamble.
the Province of *Pennsylvania*, *Andrew Hamilton* and *William Allen*, Esquires, did purchase, for the Use of the said Province, divers Lots of Ground, situate and being on the South Side of *Chestnut-street*, in the City of *Philadelphia*, lying contiguous to each other, and contained within the Bounds following, *to wit*, Beginning at a Corner on the East Side of the Sixth Street from *Delaware*, and on the South Side of *Chestnut-street*, and extending thence by the said *Chestnut-street* South, Seventy-five Degrees East, Three Hundred and Ninety-six Feet, to a Corner on the West Side of the Fifth Street from *Delaware*; thence by the same South, Fifteen Degrees West, Three Hundred Thirty-seven Feet; thence by other Ground North Seventy-five Degrees West, One Hundred and Forty-eight Feet and an Half, to a Line of a Lot of Ground reputed to be vacant; thence by the same these three several Courses and Distances next following, *to wit*, North Fifteen Degrees East, Eighty-two Feet; thence North Seventy-five Degrees West, Ninety-nine Feet; thence South Fifteen Degrees West, Eighty-two Feet; thence by other Ground North Seventy-five Degrees West, One Hundred Forty-eight Feet and an Half, to the East Side of *Sixth-street* aforesaid; thence by the same North Fifteen Degrees East, Three Hundred Thirty-seven Feet, to the Place of Beginning. And whereas the said *William Allen* did also purchase of *Anthony Morris*, for the Use of the said Province, one other Lot of Ground, adjoining to the Land herein first mentioned, bounded on the South by *Walnut-street*, Eastward with a Lot formerly of *John Bird*, Northward with Ground herein before described, and Westward with a Lot reputed to be vacant, containing in Breadth on the said *Walnut-street* Forty-nine and an Half Feet, and in Length or Depth Two Hundred and Fifty-five Feet. And whereas, since the Purchases aforesaid were made as aforesaid, a State-House, and other Buildings, have been erected, at the Charge of the said Province, on Part of the Ground so purchased: And to the End and Intent that the said State-House, Buildings, and Part of the Lots of Ground so purchased, might be effectually secured to and for the Use of the Province, it was declared and enacted, in and by an Act of General Assembly, passed in the Ninth Year of the late Reign, intituled, *An Act for vesting the State-House, and other public Buildings, with the Lots of Land whereon the same are erected, in Trustees, for the Use of this Province*, That the

said *Andrew Hamilton* and *William Allen* should, and they were thereby required to convey, by some good and sufficient Assurance or Assurances in the Law, unto *John Kinsey*, *Joseph Kirkbride* (the younger) *Caleb Cowpland*, and *Thomas Edwards*, Esquires, the Lands, Tenements and Hereditaments aforesaid, and all and singular the Appurtenances thereunto belonging, or in any wise appertaining, to hold to them, and the Survivors of them, and to the Heirs of the Survivors of them for ever, to the Uses, Intents and Purposes, in the same Act particularly mentioned and specified. And whereas the said *Andrew Hamilton*, *John Kinsey*, *Caleb Cowpland*, and *Joseph Kirkbride*, junior, are since dead, and the said Assurance or Assurances have not been as yet executed and perfected, according to the Directions of the said Act: Now to the End and Intent that the said State-House, Buildings and Lots of Ground, purchased and described as aforesaid (excepting and always foreprizing thereout two certain Corner Lots herein after described) may be effectually secured to the Use of this Province, and that the legal Estate and Inheritance thereof may be vested in Trustees, to and for the Uses and Purposes herein after mentioned and specified, BE IT ENACTED by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Suff'x*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the said State-House, Buildings and Lots of Ground, purchased as aforesaid, except as before excepted and foreprized, and all the Immunities, Improvements, Advantages, Hereditaments and Appurtenances to the same belonging, or in any wise appertaining, and the Reversion and Reversions, Remainder and Remainders thereof, and all the Estate, Right, Title, Interest, Claim and Demand whatsoever of the said *Andrew Hamilton* in his Life-time, and of his Heirs at Law since his Decease, and of the said *William Allen*, of, in, to and out of the Premises, shall, from and after the Passing of this Act, be settled upon, and vested in, *Isaac Norris*, *Thomas Leech*, *Joseph Fox*, *Samuel Rboads*, *Joseph Galloway*, *John Baynton*, and *Edward Pennington*, Esquires, and the Survivors and Survivor of them, and the Heirs and Assigns of such Survivor for ever, freed and discharged, and absolutely acquitted, exempted and exonerated, of and from and against all and every the Uses, Intents and Purposes mentioned and contained in the said recited Act of Assembly, and of and from all Claims and Demands of the said Heirs of the said *Andrew Hamilton*, and the said *William Allen*, and his Heirs, and of either or any of them for ever: But, nevertheless, upon the Trusts, and to and for the Ends, Intents and Purposes, and subject to the Uses herein after mentioned, expressed and declared; *that is to say*, to and for the Use of the Representatives of the Freemen of this Province, which now are, and from Time to Time hereafter shall be, duly elected by the Freemen aforesaid, and to and for such other Uses, Intents and Purposes, as they the said Representatives, at any Time or Times hereafter, in Assembly met, shall direct and appoint. *Provided always, nevertheless*, and it is hereby declared to be the true Intent and Meaning hereof, That no Part of the said Ground, lying to the Southward of the State-House, within the Wall, as it is now built, be made use of for erecting any Sort of Buildings thereon; but that the same shall be and remain a public Green and Walk for ever.

The State-House, Buildings, &c. vested in Trustees.

Trustees to suffer Actions to be commenced, &c.

II. AND upon this further Trust and Confidence, and to this further End, Intent and Purpose, That the said *Isaac Norris*, *Thomas Leech*, *Joseph Fox*, *Samuel Rboads*, *Joseph Galloway*, *John Baynton*, and *Edward Pennington*, and the Survivors and Survivor of them, and the Heirs of such Survivor, shall, from Time to Time, and at all Times hereafter, permit and suffer such Suit and Suits, Action and Actions, to be commenced and prosecuted in his or their Name or Names, or against him or them, or any of them, and also make, seal, deliver, execute and acknowledge such Deed or Deeds, Conveyance or Conveyances, Fines, Recoveries or Assurances in the Law, for the Lands, Tenements and Hereditaments, settled and vested in the said Trustees as aforesaid, or any Part and Parcel thereof, to the Uses aforesaid, to such Person or Persons, and in such Manner and Form, and to the Uses aforesaid, as the Representatives aforesaid, in Assembly met, shall, at any Time or Times hereafter, direct and appoint:

So

So always that they, the said *Isaac Norris, Thomas Leech, Joseph Fox, Samuel Rhoads, Joseph Galloway, John Baynton, and Edward Pennington*, and their Heirs, Executors and Administrators, and every of them, be well and truly indemnified, saved and kept harmless of and from any Costs, Charges, Troubles or Molestations whatsoever, which may arise for or by Reason of such Suits, Deeds, Conveyances, Fines, Recoveries or Assurances, so to be commenced, prosecuted, made and executed.

III. AND whereas two certain Lots of Ground, situate and lying in the said City of *Philadelphia*, being Parts and Parcels of the said Lot of Ground before described; one of them beginning at a Corner on the East Side of *Sixth-street*, and on the South Side of *Chestnut-street*, and extending thence by the said *Chestnut-street* Fifty Feet to a Corner; thence South Fifteen Degrees West, Seventy-three Feet to another Corner; thence North Seventy-five Degrees West, Fifty Feet to a Corner, being on the East Side of the said *Sixth-street*; and from thence along the said Street North Fifteen Degrees East, Seventy-three Feet, to the Place of Beginning. And the other of the said Lots beginning at a Corner on the West Side of *Fifth-street* from *Delaware Front-street*, and on the South Side of *Chestnut-street*, and extending from thence along the West Side of the said *Fifth-street*, Seventy-three Feet to a Corner, being on the West Side of the said *Fifth-street*; and from thence North Seventy-five Degrees West, Fifty Feet to a Corner; and from thence North Fifteen Degrees East, Seventy-three Feet to the South Side of *Chestnut-street*, and from thence along the South Side of the said *Chestnut-street* Fifty Feet, to the Place of Beginning, were purchased by the said *Andrew Hamilton* in his Life-time, with Intent that they should be assured and conveyed to the Trustees aforesaid, one of them for the Use of the County of *Philadelphia*, and the other of them for the Use of the City of *Philadelphia* aforesaid, for erecting two public Buildings for the holding of Courts of Common Halls for the said County and City respectively; which Assurance or Conveyance was never made and executed: Now, to the End and Purpose that the said Lots may be effectually secured to the several and respective Uses aforesaid, and that the Estate and Inheritance of the Premises may be vested in Trustees, for the Uses, Intents and Purposes herein after mentioned and specified, *Be it enacted by the Authority aforesaid*, That the said two Lots of Ground last above described, and all the Immunities, Improvements, Advantages, Hereditaments and Appurtenances to the same belonging, or in any wise appertaining, and the Reversion and Reversions, Remainder and Remainders thereof, and all the Estate, Right, Title, Interest, Claim and Demand of the said *Andrew Hamilton* in his Life-time, and of his Heir or Heirs since his Death, shall, from and immediately after the Passing of this Act, be settled upon, and vested in, *Isaac Norris, Thomas Leech, Joseph Fox, Samuel Rhoads, Joseph Galloway, John Baynton, and Edward Pennington*, Esquires, and the Survivors and Survivor of them, and the Heirs of such Survivor for ever, freed, exonerated, and for ever discharged of and from all Claims and Demands whatsoever of the said Heir or Heirs at Law of the said *Andrew Hamilton*, in Trust, nevertheless, and to and for the Ends, Intents and Purposes, and subject to the Uses herein after mentioned, expressed and declared, *that is to say*, that they the said *Isaac Norris, Thomas Leech, Joseph Fox, Samuel Rhoads, Joseph Galloway, John Baynton, and Edward Pennington*, or the Survivors and Survivor of them, and the Heirs and Assigns of such Survivor, upon Payment of the Sum of *Fifty Pounds*, lawful Money of this Province, for each of the said Lots, to them the said Trustees, or the Survivors or Survivor of them, for the Use of the Province, shall convey and make over, by some proper Conveyance or Conveyances, Deed or Deeds, and Assurance or Assurances in the Law, at the proper Costs and Charges of the County of *Philadelphia*, one of the said Lots of Ground, *to wit*, the Lot bounded on *Sixth-street* aforesaid, to such Person or Persons, and their Heirs, as the Justices of the Court of Quarter Sessions of the said County shall nominate and appoint, to and for the building and erecting a public Building thereon, for the holding of Courts or Common Halls for the said County; the other of the said Lots, bounded on *Fifth-street* aforesaid, to the Mayor and Commonalty of the City of *Philadelphia*, and their Successors, for erecting a public Building thereon, for the holding of Courts or Common Halls, for the Use of the said City, and to no other Use or Uses,

The two Lots above described to be vested in the Trustees, &c.

Uses, Intents or Purposes whatsoever; which said Buildings shall be made and constructed of the like outward Form, Structure and Dimensions.

IV. SAVING and always reserving to all and every Person and Persons, Bodies Politic and Corporate, his, her and their Heirs, Successors, Executors and Administrators (other than the Heirs of the said *Andrew Hamilton*, and the said *William Allen*, and his Heirs, and of the said *Isaac Norris*, *Thomas Leech*, *Joseph Fox*, and their and each of their Heirs, under certain Deeds of Trust, bearing Date the Sixteenth of *September*, One Thousand Seven Hundred and Sixty-one, made by the said *James Hamilton*, and *William Allen*, to them the said *Isaac Norris*, *Thomas Leech*, and *Joseph Fox*, and their Heirs, pursuant to the Directions of the Representatives of the People) all such Estate, Right, Title and Interest of, in, to and out of the Premises, vested in the Trustees as aforesaid, as they, every or any of them had before the Passing of this Act, or could or might have had or enjoyed, in case this Act had not been made or passed.

This Act to
be deemed a
public Act.

V. AND be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged and taken to be a public Act, and shall be judicially taken Notice of as such by all Judges, Justices and other Persons whatsoever, without specially pleading the same.

VI. AND be it enacted by the Authority aforesaid, That the Act, intitled, *An Act for vesting the State-House, and other public Buildings, with the Lots of Land whereon the same are erected, in Trustees, for the Use of the Province*, shall be, and is hereby declared to be repealed, null and void, to all Intents and Purposes.

Passed February 17, 1762.

C A P. VI.

An ACT for the more effectual suppressing and preventing of Lotteries.

Preamble.

WHEREAS many mischievous and unlawful Games, called Lotteries, have been set up in this Province, which tend to the manifest Corruption of Youth, and the Ruin and Impoverishment of many poor Families: And whereas such pernicious Practices may not only give Opportunities to evil disposed Persons to cheat and defraud the honest Inhabitants of this Province, but prove introductive of Vice, Idleness and Immorality, injurious to Trade, Commerce and Industry, and against the Common Good, Welfare and Peace of this Province; For remedying whereof, BE IT ENACTED, ADJUDGED AND DECLARED, and it is hereby enacted, adjudged and declared by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Lotteries whatsoever, whether public or private, are common and public Nuisances, and against the Common Good and Welfare of this Province.

All Lotteries
common and
public Nu-
sances.

II. AND be it further enacted by the Authority aforesaid, That from and after the Publication of this Act, no Person or Persons whatsoever shall publicly or privately set up, erect, make, exercise, keep open, shew or expose to be played at, drawn at, or thrown at, any Lottery, Play or Device, or shall cause or procure the same to be done, either by Dice, Lots, Cards, Balls, Tickets, or any other Numbers or Figures, or in any other Manner or Way whatsoever; and that every Person or Persons that shall set up, erect, make, exercise, keep open, shew or expose to be played at, drawn, or thrown at, any such Lottery, Play or Device, or that shall cause or procure the same to be done, after the Publication of this Act, and shall be thereof legally convicted in any Court of Quarter Sessions, within the Jurisdiction whereof the said Offences shall be committed, or in the Supreme Court, if thereunto removed from any of the Inferior Courts within this Province, shall forfeit and pay the Sum of *Five Hundred Pounds*, lawful Money of *Pennsylvania*.

Penalty on
Persons
erecting Lot-
teries &c.

III. AND

III. *AND be it further enacted by the Authority aforesaid*, That all and every Person and Persons whatsoever, that shall buy, sell or expose to Sale, or that shall advertise, or cause to be advertised, the Sale of any Ticket or Tickets, or Device whatsoever, in such Lotteries, Plays or Devices, or that shall be aiding, assisting, or in any ways concerned in managing, conducting, or carrying on such Lotteries, Plays and Devices, by whatsoever Name the same may be called, and be legally convicted thereof in either of the Courts aforesaid, shall forfeit and pay the Sum of *Twenty Pounds*, lawful Money of *Pennsylvania*, for every such Offence.

And on Persons selling Lottery Tickets.

IV. *AND be it further enacted by the Authority aforesaid*, That all and every Person and Persons whatsoever, that shall, within this Province, buy, sell, or expose to Sale, or shall advertise, or cause to be advertised, the Sale of any Ticket or Tickets, or other Device whatsoever, in any Lottery, Play or Device whatsoever, which shall be hereafter set up, erected, made, exercised, kept open, shewn or exposed to be drawn at, played at, or thrown at, in or at any Place or Places out of this Province (State Lotteries, erected and licensed by Act of Parliament in *Great-Britain*, only excepted and foreprized) and be thereof legally convicted in Manner aforesaid, shall forfeit and pay the Sum of *Twenty Pounds*, lawful Money of *Pennsylvania*, for every such Offence.

State Lotteries excepted.

V. *AND be it further enacted by the Authority aforesaid*, That all the Fines, Forfeitures and Penalties hereby inflicted, shall be paid to the Overseers of the Poor, for the Time being, for the Use of the Poor of the City, Borough or Township, where any of the said Offences shall be committed.

Manner of applying the Fines.

VI. *PROVIDED always nevertheless*, That nothing herein contained shall be deemed or taken to extend to any Lottery, advertised in the public Newspapers of this Province on or before the Fourth Day of *February*, in the Year of our Lord One Thousand Seven Hundred and Sixty-two, nor to the selling or buying of any Ticket or Tickets in such Lottery, any Thing herein contained to the contrary thereof notwithstanding.

Time of the Law's taking Place.

VII. *AND be it enacted by the Authority aforesaid*, That the Clause in an Act of Assembly of this Province, intituled, *An Act for regulating Pedlars and Vendues*, &c. enacting, That if any Person or Persons shall presume to take upon him or themselves, from and after the Publication of said Act, upon any Pretence whatsoever, privately or publicly to set up, exercise or keep any Lottery or Lotteries within the Province of *Pennsylvania*, and be thereof legally convicted, he, she or they, shall forfeit *One Hundred Pounds*, one Moiety thereof to the Governor, the other Moiety to any Person that will sue for the same, is hereby repealed, and declared to be null, void, and of no Effect.

Clause in an Act of Assembly for regulating Pedlars and Vendues repealed.

Passed February 17, 1762.

C A P. VII.

An ACT for opening and better amending, and keeping in Repair the public Roads and Highways within this Province.

Passed February 17, 1762.—Expired.

C A P. VIII.

An ACT for regulating, pitching, paving and cleansing the Highways, Streets, Lanes and Alleys, and for regulating, making and amending the Water-courses and Common Sewers within the inhabited and settled Parts of the City of *Philadelphia*, and for raising of Money to defray the Expences thereof.

Passed March 26, 1762.—Expired.

C A P. IX.

An ACT for erecting the Southern Suburbs of the City of *Philadelphia* into the District of *Southwark*, for making the Streets and Roads, already laid out therein, public Roads and Highways, and for regulating such other Streets and Roads as the Inhabitants thereof may hereafter lay out, and for other Uses and Purposes therein mentioned.

WHEREAS there is a certain Tract of Land adjoining to and bounded by the Southernmost Bounds of the City of *Philadelphia*, beginning at *South-street*, in the said City, and running thence along the several Courses of

Preamble.

the Road commonly called the *Passyunk* Road, including the same, Two Hundred and Ninety-six Perches to a Corner; thence South Forty-five Degrees East, to a Road called the *Moyamensing* Road; thence along a Lane, known by the Name of *Keeler's Lane*, to *Greenwich* Road; thence East to the River *Delaware*; thence up the several Courses of the said River to *South-street*; and thence along the South Side of the said Street to the Place of Beginning; on which said Tract of Land the Owners and Possessors thereof have built and erected, at a very great Expence, a large Number of Houses, Messuages, Wharffs, Stores and other Buildings, and have continued, by Agreements among themselves made, the several Streets of the said City, running North and South through Part of the said improved Ground, and have also opened, in the same Manner, cross Streets, running Westward from the said River towards the River *Schuylkill*, with many convenient Roads, Lanes and Alleys, leading to and from the said Streets; but as the said Roads, Streets, Lanes and Alleys, are not laid out and confirmed by any legal Authority, ill-disposed Persons have frequently committed Nuisances therein, to the great Annoyance, Impediment and Disturbance of the Inhabitants, passing through them on their lawful Occasions: For Remedy whereof,

Name of the District.

BE IT ENACTED by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the said Tract of Land before described shall be henceforth called, THE DISTRICT OF SOUTHWARK, and is hereby declared to be allotted and divided off into one District; and that all and every of the Streets, Lanes, Alleys and Roads, laid out by Agreement as aforesaid, shall be, and are hereby declared to be, public Streets, Roads, Alleys and Lanes, for ever, to all Intents and Purposes, as if the same had been public Roads and Highways laid out according to Law, by Order of the Governor and Council, or by Order of any Court of Quarter Sessions in this Province; and that all and every Nuisance or Nuisances committed in them, or any of them, shall and may be heard, tried and determined in the County Court of Quarter Sessions in and for the County of *Philadelphia*, in the same, and as full and ample a Manner, as any Nuisance committed in any public Highway in the said County may and ought to be heard, tried and determined.

Freeholders to meet and choose Regulators of the Streets, &c.

II. AND in order that the said Streets, Alleys, Lanes and Roads, and such others as shall be hereafter laid out, may be duly regulated, made, opened, amended and repaired, *Be it enacted by the Authority aforesaid*, That it shall and may be lawful for the Freeholders and others within the said District, qualified by Law to elect Members of Assembly, to meet together on the Third *Saturday* in the Month of *April* in every Year, and between the Hours of Ten in the Forenoon, and Four in the Afternoon, choose, by Tickets in Writing, three Surveyors or Regulators of the said Streets, Lanes and Alleys; who, upon Application made to them, shall have full Power and Authority to regulate and lay out the proper Gutters, Channels and Conduits, for the carrying off the Waters in the said District, and to enter upon the Lands of any Person or Persons, in order to set out the Foundation, and to regulate the Walls to be built between Party and Party within the said District, as to the Breadth and Thickness thereof; which Foundations shall be equally laid upon the Lands of the Persons between whom such Party Wall is to be made; and the first Builder shall be reimbursed one Moiety of the Charge of such Party Wall, or for so much thereof as the next Builder shall have Occasion to make Use of, before he shall in any ways use or break into the said Wall, and that the Charge or Value thereof shall be set by the said Regulators, or any two of them.

Penalty on laying the Foundation of a Party Wall, before viewed by the Regulators, &c.

III. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall begin or lay the Foundation of any Party Wall, before the same be viewed and directed by the said Regulators, or some two of them, every such Person, as well Employer as Master Builder, shall forfeit the Sum of *Five Pounds*, to be paid to the Overseers of the Poor in said District, for the Use of the Poor thereof, being of the said Offence first convicted in the County Court of Quarter Sessions of the County of *Philadelphia* aforesaid: *Provided always, and*

be

be it further enacted by the Authority aforesaid, That if either Party, between whom such Foundation or Party Wall is to be made, shall find themselves any ways aggrieved by any Order or Direction of the said Regulators, he or they may appeal to the Justices, at the next Court of Quarter Sessions to be held for the said County, who shall finally adjust and settle the same; the Costs of which Appeal shall be paid as the said Court shall direct and appoint.

IV. *AND be it further enacted by the Authority aforesaid*, That the said Regulators or Surveyors attending the said Service, for their Trouble, shall be paid, by the Party or Parties concerned in erecting such Party Wall, the Sum of *Six Shillings* each, and no more. Regulators
Reward.

V. *AND for the preventing of Accidents that may happen by Fire in the said District, Be it enacted by the Authority aforesaid*, That if any Person or Persons, within the said District, shall set on Fire his or their Chimney or Chimnies, to cleanse them, or shall suffer the same to be done, or that shall suffer any of them to blaze out at the Top, and be thereof legally convicted before any Justice of the Peace of the County of *Philadelphia*, such Person or Persons shall forfeit and pay the Sum of *Twenty Shillings* to the Overseers of the Poor of the said District, for the Use of the Poor thereof. Penalty on
firing Chim-
nies.

VI. *AND be it further enacted by the Authority aforesaid*, That from and after the Publication of this Act, no unhealthy or sickly Vessel shall come nearer than one Mile to the Southern Bounds of the said District, without Bills of Health, nor shall presume to bring to Shore such Vessels, nor to land their Passengers or their Goods at any Part of the said District, until they shall obtain a Licence for their Landing from the Governor for the Time being, and his Council, or from any two Justices of the Peace for the County of *Philadelphia*, under the Penalty of *Ten Pounds* for every Passenger so landed, and *One Hundred Pounds* for every Vessel so brought within a Mile of the Bounds aforesaid, to be paid by the Commander, Merchants or Owners of the said Vessel offending in the Premises, being first legally convicted thereof in the County Court of Quarter Sessions for the County of *Philadelphia*; one Half thereof to be paid to the Governor, for the Support of Government, the other Half to the Overseers of the Poor of the said District for the Time being, for the Use of the Poor thereof. No sickly
Vessel to
come nearer
than one
Mile to said
District with-
out Licence.

VII. *AND be it enacted by the Authority aforesaid*, That if any Person or Persons shall presume to stop any of the said Streets, Lanes, Alleys or public Roads heretofore laid out, or hereafter laid out and confirmed as aforesaid, or shall commit any Nuisance therein, and shall not remove the same forthwith, every such Person or Persons so offending, being thereof legally convicted in the said Court, shall forfeit and pay the Sum of *Three Pounds* to the Supervisors of the Streets and Highways aforesaid, to be laid out in repairing the same. Penalty on
Persons stop-
ping any of
the Streets,
&c.

VIII. *AND be it further enacted by the Authority aforesaid*, That the said Freeholders and others, qualified as aforesaid, shall, on the same Day whereon they are herein before directed to choose Surveyors and Regulators of the Streets, Lanes and Alleys aforesaid, choose, in the same Manner, three Assessors, and three Supervisors of the public Highways within the said District; which said Assessors and Supervisors, when chosen and returned in Writing, under the Hands of any two Freeholders of the said District, into the Office of the Clerk of the County Court of Quarter Sessions aforesaid, shall be the Assessors of the said District, and the Supervisors of the Streets, Lanes, Alleys, Roads and Highways thereof, for the ensuing Year; and if any Supervisor so elected, or otherwise appointed by Virtue of this Act, shall refuse to take upon himself the said Office, for every such Offence he shall forfeit and pay the Sum of *Ten Pounds*, to be applied towards amending and repairing the said Streets, Lanes, Alleys and Highways. Freeholders
to meet and
choose Asses-
sors and Su-
pervisors.

Penalty on
Supervisors
refusing to
serve.

IX. *AND be it further enacted by the Authority aforesaid*, That the Overseers of the Roads in the said Township the first Year, and the Supervisors of the Streets, Lanes, Alleys and Highways of the said District for ever afterwards, shall, at least Five Days before the Third Saturday in *April*, yearly and every Year, give public Notice in Writing, by affixing the same in the most public Places in the said District, of the Place where the Inhabitants and Freeholders of the said District shall meet to elect Supervisors for the said District, according to the Directions of this Act; which Place, so appointed for the said Election, shall be as near the Center of the said District as conveniently may be. Notice to be
given of the
Election of
Supervisors.

X. *AND*

Supervisors
and Assessors
to lay a Tax.

X. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful for the said Supervisors of the public Streets and Highways, together with the Assessors of the said District for the Time being, to make or lay a Rate or Assessment, not exceeding *Three-pence* in the Pound, clear Value of the real and personal Estates of all and every the Freeholders and Inhabitants within the said District, to be employed for the amending and repairing the Streets, Lanes, Alleys and Highways within the said District, in such Manner as by this Act is directed and appointed: *Provided nevertheless*, That the said Rate or Assessment shall be laid according to the best of their Skill and Judgment, and as near as may be to the County Assessment for other Purposes, laid in Pursuance of the Act, intituled, *An Act for laying County Rates and Levies*, having due Regard to every Man's Estate within the said District, without Favour or Affection to any Person whomsoever.

Supervisors
dying, refus-
ing or neg-
lecting to
serve, others
to be ap-
pointed by
the Justices
of the Court
of Quarter
Sessions, &c.

XI. *AND be it further enacted by the Authority aforesaid*, That if any Supervisor or Supervisors of the public Streets and Highways, so as aforesaid chosen, shall refuse or neglect to take upon him or themselves the said Office, or shall die, or remove out of the said District for which he or they shall be chosen, or if the Freeholders and Inhabitants of the District aforesaid shall neglect or refuse to elect or choose Supervisors, as is herein before directed and appointed, then, and in every such Case, it shall and may be lawful to and for the Justices of the County Court of Quarter Sessions of the County of *Philadelphia*, and they are hereby enjoined and required to appoint another Supervisor or Supervisors, in the Room and Stead of every such Supervisor or Supervisors so refusing, dying or removing as aforesaid, or so neglected to be chosen as aforesaid; which said Supervisor or Supervisors, so appointed, shall have the same Powers and Authorities, and shall be liable to the same Penalties, as the Supervisors so appointed and chosen by the said District, in Pursuance of the Directions of this Act; and that each Supervisor shall have and receive, for his Trouble in collecting the several Sums of Money to be raised as aforesaid, *Six-pence* in every Pound by him collected, and *Five Shillings per Diem* for each Day he shall attend in overseeing, employing and attending the Workmen upon the public Streets and Highways, within the said District.

The Tax,
before col-
lected, to be
allowed at
least by two
Justices of
the Peace of
the County,
&c.

XII. *AND be it further enacted by the Authority aforesaid*, That the said Supervisors, before they proceed to the collecting of the said Rate, shall procure the same to be allowed by at least two Justices of the Peace of the said County of *Philadelphia*; and if any Person or Persons, so rated or assessed, shall refuse to pay the Sum or Sums on him or them charged, and shall not enter his or their Appeal at the next General Court of Quarter Sessions aforesaid, that then it shall and may be lawful to and for the said Supervisor or Supervisors (having first obtained a Warrant under the Hand and Seal of one Justice of the Peace of the said County, who is hereby impowered and required to grant such Warrant) to levy the same on the Goods and Chattels of the Person or Persons so refusing; and in case such Person shall not, within three Days next after such Distress made, pay the Sum or Sums on him or her assessed, together with the Charges of such Distress, that then the Supervisors, or either of them, may proceed to the Sale of the Goods distrained, rendering to the Owner the Overplus, if any, that shall remain on such Sale, reasonable charges being first deducted: *Provided nevertheless*, That if any Person or Persons shall find him, her or themselves aggrieved with such Rate or Assessment, it shall be lawful for the Justices of the Peace aforesaid, at their next General Quarter Sessions, upon the Petition of the Party, to take such Order therein as to them shall be thought expedient, and the same shall conclude and bind all Parties; and the Supervisor and Supervisors, in case of such Appeal, shall forbear making Distress, until the same be determined in the Quarter Sessions, in the Manner herein before directed and appointed.

Supervisors
to repair the
Streets, &c.

XIII. *AND be it further enacted by the Authority aforesaid*, That the said Supervisors of the public Streets and Highways of the said District shall, and they are hereby enjoined and required, as often as the said several Streets, Lanes, Alleys and Highways, within the said District, shall be out of Repair, to hire and employ a sufficient Number of Labourers to work upon, open, amend, clear and repair the same in the most effectual Manner, and to purchase Wood,
and

and all other Materials necessary for that Purpose, and to overlook the said Labourers, and see that the said Streets, Lanes, Alleys, Roads and Highways be effectually opened, cleared, amended and repaired, according to the true Intent and Meaning of this Act.

XIV. *AND be it further enacted by the Authority aforesaid*, That if any Person, working on the Highways within the said District, or being with them, shall ask any Money, Drink, or any other Reward whatsoever, or shall by any Contrivance, Ways or Means whatsoever, extort any Money or other Thing of or from any Person passing or travelling upon the said public Roads or Highways, he or she shall, for every such Offence, pay to the Supervisor or Supervisors of the said District the Sum of *Three Shillings*, to be recovered by the said Supervisors respectively in a summary Way, before any Justice of the Peace, and applied for and towards repairing the said Roads; and in case any Supervisor shall connive at any Persons asking and demanding any Reward from any Traveller as aforesaid, every such Supervisor shall forfeit and pay for each Offence the Sum of *Twenty Shillings*, to be recovered by any Person whatsoever in Manner aforesaid; one Half to the Use of the Prosecutor, and the other Half to and for the Service of the said Roads.

Penalty on Persons, working on the Highways, asking or extorting Money from Travellers.

XV. *AND be it further enacted by the Authority aforesaid*, That all and every Supervisor or Supervisors of the public Roads and Highways within the said District, who shall be convicted of having refused or neglected to do and perform his or their Duty, as directed by this Act, not otherwise particularly provided for, shall be fined, and shall pay the Sum of *Five Pounds* for every such Offence, to be applied towards repairing the public Roads and Highways within the said District.

Penalty on Supervisors Neglect of Duty.

XVI. *AND be it further enacted by the Authority aforesaid*, That the Justices of the Peace of the County of *Philadelphia*, or any three of them, shall and may, at the Time and Times when new Supervisors of the Highways within the said District are to be appointed, annually examine and settle the Accounts of the said Supervisors going out of their Office, and shall have full Power to allow such Accounts and Sums only as to them shall seem just and reasonable, and to order the then last Supervisors to pay the Balances, together with the Fines and Penalties on themselves respectively, and others which have come into their Hands, or been imposed by Virtue of this Act, to the Supervisors for the ensuing Year; and in case the said Supervisors, on their going out of their respective Offices, shall be found to be in Advance for Monies expended upon the public Roads and Highways within the said District as aforesaid, then the said Justices may order the succeeding Supervisors to repay and reimburse the former Supervisors, as soon as a sufficient Sum of Money shall have come into their Hands; and in case of Disobedience to any such of their Orders, the said Justices may and shall, from Time to Time, grant Attachments to compel Obedience to the same.

Justices to examine and settle Supervisors Accounts.

XVII. *AND be it enacted by the Authority aforesaid*, That two Overseers of the Poor, one Assessor, to join in Assessments to be hereafter made, towards sinking the Sums of Money heretofore granted to the King's Use, and one Inspector to be returned, and, if chosen, to serve at the general Election in and for the County of *Philadelphia*, shall be nominated and elected in and for the said District, in the same Manner as they are directed by Law to be appointed and chosen in and for the several Townships within this Province; which said Overseers so nominated, and Assessors and Inspectors so elected, shall have, use and exercise all and every the Powers, Rights and Privileges, and be subject to the same Penalties and Forfeitures, within their said District respectively, which are lawfully had, used and exercised by the several Overseers, Assessors and Inspectors of the several Townships aforesaid, to all Intents and Purposes, as if they were respectively nominated and chosen Overseers of the Poor, Assessors and Inspectors of any of the Townships aforesaid, in Pursuance of the Laws of this Province in such Cases made and provided.

Two Overseers, one Assessor, and one Inspector, to be nominated, &c. for said District.

XVIII. *AND be it enacted by the Authority aforesaid*, That nothing in a certain Act of Assembly, passed in the present Year of his Majesty's Reign, intituled, *An Act for opening and better amending, and keeping in Repair the public Roads and Highways within this Province*, shall be deemed, construed or taken to extend to the public Roads, Streets, Lanes or Alleys within the said District,

nor to the laying or assessing the Inhabitants thereof, for the Purposes therein mentioned, nor to any other Matter or Thing to be done and performed within the same; but the said Act, so far as it relates to or respects the said District, and no further, is hereby declared to be repealed, null and void, to all Intents and Purposes.

Passed March 26, 1762.

C A P. X.

An ACT to enable the Trustees of the State-House to purchase certain Lots of Ground, the Remainder of the Square whereon the said House now stands.

Preamble.

WHEREAS in and by an Act of Assembly of this Province, passed in the First Year of his present Majesty's Reign, intituled, *An Act for appointing certain Persons, therein after named, to apply for and receive the distributive Shares and Proportions which are or shall be allotted to this Province, out of the Sum and Sums of Money granted, or to be granted, by Parliament to his Majesty's Colonies in America*, it was enacted and provided, that certain Sums of Money, in the said Act mentioned, should be paid and discharged out of the Bills of Exchange, directed to be drawn by the Trustees of the General Loan-Office by the said Act, on *John Sargent, George Aufrere, David Barclay, junior, and John Barclay, Merchants, in London*; and that the said Trustees should, towards sinking the Sum and Sums of Money thentofore granted to his Majesty's Use, and in Abatement of the Taxes directed to be laid for that Purpose, pay and deliver all the remaining Part of the Money that should arise by the Sale of such Draughts or Bills of Exchange, as they the said Trustees were directed to draw by Virtue of the said Act, into the Hands of the Committees of Assembly, who should be yearly appointed to settle the public Accounts, in Bills of Credit of this Province, which Bills of Credit the said Committees were thereby enjoined and required to burn, sink and destroy: And whereas, in and by another Act of Assembly, passed this present Sitting, intituled, *An Act for granting to his Majesty the Sum of Twenty-three Thousand Five Hundred Pounds, for the Purposes therein mentioned*, the said Sum of *Twenty-three Thousand Five Hundred Pounds* was thereby directed to be retained by the said Trustees, out of the Monies so ordered by the said first recited Act of Assembly to be burnt, sunk and destroyed; subject, nevertheless, to the Draughts and Orders, and to the Uses, Intents and Purposes, mentioned and declared in and by the said last recited Act of Assembly: And whereas it is thought necessary, for the public Conveniency, to purchase certain Lots of Ground, adjoining the Ground whereon the State-House is now erected, to and for the same Uses, Intents and Purposes, to which the said House, and its Appurtenances, are appropriated; **BE IT THEREFORE ENACTED** by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle, Kent and Sussex, upon Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the said Trustees of the Loan-Office, as soon as they shall have sold the said Bills of Exchange, by Virtue of the said Act herein before first recited, and received the Monies arising thereby, shall, out of the Monies so received, and by the said first recited Act ordered to be burnt, sunk and destroyed, retain and keep in their Hands and Possession the Sum of *Five Thousand Pounds*, over and above the said Sum of *Twenty-three Thousand Five Hundred Pounds*, granted to his Majesty, any Thing in the said recited Acts of Assembly, or either of them, to the contrary notwithstanding; subject, nevertheless, to the Orders and Draughts of the Trustees of the State-House, or a Majority of them, or of the Survivors of them, for the Time being.

Trustees of the Loan-Office to retain in their Hands the Sum of *Five Thousand Pounds*, &c.

Manner of applying the Money, &c.

II. AND be it further enacted by the Authority aforesaid, That the said Trustees of the State-House, or a Majority of them, or of the Survivors of them, shall apply, order and appoint, the said Sum of *Five Thousand Pounds*, or

so

so much thereof as shall be necessary, for and towards purchasing all or any of the said Lots of Ground, situate between *Chestnut* and *Walnut-streets*, and between the Fifth and Sixth Streets; in the City of *Philadelphia*, not already purchased for the Use of the Province; and that the said Trustees, or a Majority of them, or of the Survivors of them, shall, and they are hereby authorized, impowered and required, after they have contracted and agreed for the said Lots, to take and receive, in their Names, one or more good and sufficient Deed or Deeds, Conveyance or Conveyances, and Assurances in the Law, for the perfect vesting and securing the said Lots so purchased in them, and the Survivors of them, and the Heirs and Assigns of the Survivor of them, as Trustees for the Uses herein after mentioned.

III. *AND be it further enacted by the Authority aforesaid*, That the said Trustees, as soon as they shall have purchased the said Lots of Ground, or any of them, in Pursuance of the Directions of this Act, the same, together with all and singular the Immunities, Improvements, Advantages, Hereditaments and Appurtenances, and the Reversions and Remainders, shall be settled upon and vested in the said Trustees, and the Survivors of them, and the Heirs and Assigns of such Survivor for ever; but, nevertheless, upon the same Trust, and to and for the same Ends, Intents and Purposes, and subject to the same Uses, to and for which the said State-House, with its Appurtenances, are, in and by an Act of Assembly of this Province, passed in this present Year of his Majesty's Reign, intituled, *An Act for vesting the State-House, and other public Buildings, with the Lots of Ground whereon the same are erected, together with two other Lots, situate in the City of Philadelphia, in Trustees, for the Uses therein particularly mentioned*, appointed, limited and declared, and to and for no other Uses, Intents and Purposes whatsoever.

The Lots to be vested in the Trustees, &c.

IV. *AND be it enacted by the Authority aforesaid*, That if there should happen to be and remain any Surplus, more than is sufficient to purchase the said Lots of Ground, out of the said Sum of *Five Thousand Pounds*, so as aforesaid directed to be retained by the said Trustees of the Loan-Office, all and every Part of the said Surplus shall be appropriated and applied by them in Abatement of the public Taxes of this Government, and, by the Committees of Assembly, be accordingly burnt, sunk and destroyed.

Surplus Money how to be applied.

Passed May 14, 1762.—Recorded A, Vol. IV. p. 336.

C A P. XI.

An ACT for granting to his Majesty the Sum of *Twenty-three Thousand Five Hundred Pounds*, for the Purposes therein mentioned.

Passed May 14, 1762.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Domini 1762, in the Second Year of the Reign of our Sovereign Lord GEORGE III. and continued by Adjournments to the Thirtieth Day of *September* following.

C A P. I.

An ACT to prevent and remove certain Nuisances in and near the City of *Philadelphia*.

Passed March 4, 1763.—Expired.

C A P.

C A P. II.

A SUPPLEMENT to the Act, intituled, *An Act for regulating, pitching, paving and cleansing the Highways, Streets, Lanes and Alleys, and for regulating, making and amending the Water Courses and Common Sewers, within the inhabited and settled Parts of the City of Philadelphia, and for raising of Money to defray the Expence thereof.*

Passed March 4, 1763.—Expired.

C A P. III.

An ACT for the Regulation of Apprentices within this Province.

Passed March 4, 1763.—Expired.

C A P. IV.

An ACT to continue an Act, intituled, *An Act for regulating Waggoners, Carters, Draymen and Porters, within the City of Philadelphia, and for other Purposes therein mentioned.*

Passed March 4, 1763.—Expired.

C A P. V.

An ACT for the Relief of Persons, whose Apprentices or Servants have enlisted in the late King's or his present Majesty's Service.

Passed March 4, 1763.—Obsolete.

C A P. VI.

An ACT directing the Choice of Inspectors, and for holding the General Elections in the Counties of *Lancaster, York, Cumberland, Berks and Northampton.*

Passed March 4, 1763.—Expired.

C A P. VII.

An ACT concerning Cattle, Horses and Sheep, trespassing within this Province.

Preamble.

WHEREAS the Laws of this Province heretofore made to prevent Horses, Cattle and Sheep, from trespassing and breaking into lawful Inclosures, have proved ineffectual; For Remedy whereof, BE IT ENACTED by the Honourable JAMES HAMILTON, Esquire, Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle, Kent and Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Horse, Mare, Colt, Cattle or Sheep, after the Publication of this Act, shall trespass, by breaking into the Inclosure of any Person or Persons within this Province, the same being made according to the Act, intituled, *An Act for erecting Pounds in each Township of this Province*, every such Person, being injured by such Trespass, may seize and distrain such Horse, Mare, Colt, Cattle or Sheep, and the same, so seized and distrained, may retain, until he shall recover and receive the Damages sustained by such Trespass, together with the Costs of advertising, and reasonable Charges for keeping such Distress, in Manner herein after directed.

Horses, &c.
trespassing,
to be dis-
trained.

Method of
proceeding
with the
Horses, &c.
distrained.

II. AND be it further enacted by the Authority aforesaid, That every Person or Persons, making such Distress, shall, within the Space of Forty-eight Hours after the same shall be made, give Notice thereof to the Owner or Owners of such Horse, Mare, Colt, Cattle or Sheep, if he, she or they can be conveniently found; but if not, then such Person or Persons, seizing or distraining such Creature, shall, within three Days after such Distress taken as aforesaid, cause an Advertisement of the Marks, Brands, Stature and Colour thereof, and of the Place where the same may be found, to be affixed at the most frequented and public Place of his, her or their Township: And if, upon such Notice or Advertisement, such Owner or Owners shall appear, but neglect or refuse to make or tender a reasonable Satisfaction to the Party injured, for the Damages sustained

sustained by such Trespasses, and in keeping the said Creature, or if the said Person or Persons, so making such Distress, shall not accept the said Satisfaction, it shall and may be lawful for either of the Parties aforesaid to complain and apply to any Justice of the Peace of the County, where such Creature shall be seized and distrained as aforesaid, who shall, upon such Complaint and Application, issue his Warrant, directed to two reputable and honest Freeholders of the Neighbourhood, commanding and enjoining them forthwith to view the said Trespasses, and to value, appraise and ascertain the Injury and Damage done to, or within the Inclosure aforesaid, having Regard to the Lawfulness of said Fence, with the Expence and Costs of keeping the said Creature, and to make Report thereof to him, the said Justice, with all convenient Speed; which said Valuation and Appraisement, and Return, they, the said Freeholders, are hereby enjoined and required to make accordingly. And if the said Valuation and Appraisement shall not amount to more than the Sum of Money tendered to the Party injured, as a Recompence for the Damage done as aforesaid, before such Complaint made, then the said Justice shall give Judgment for the same only to the Party refusing such Tender, and award reasonable Costs and Charges to the other Party, for the unjust Vexation; but if the said Valuation shall amount to more than the Sum tendered, or if no such Tender be made, then, and in that Case, the said Justice shall award and give Judgment for the Valuation aforesaid to the Party injured, with reasonable Costs and Charges for keeping the said Creature so trespassing against the other Party, and shall award Execution upon every such Judgment, with Costs of Suit accordingly.

III. *AND be it further enacted by the Authority aforesaid,* That if no Owner or Owners shall appear and make out his or their Property in the said Creatures, within two Weeks after such Advertisements shall be published in the Township as aforesaid, the Person or Persons making such Distress shall forthwith, under the Penalty of *Five Pounds*, publish the like Advertisement as aforesaid three Times in the *Pennsylvania Gazette*, and shall and may make Application, at the Expiration of Two Months after the Publication of the same Advertisements, to the said Justice of the Peace, who is hereby authorised and required to issue his Warrant to two honest and reputable Freeholders, and cause them, upon their Oath or Affirmation, which he is hereby impowered and required to administer to them, to view, value and appraise the Creature or Creatures so distrained, and to ascertain the Damage so done as aforesaid, with reasonable Charges for keeping the said Creature, and to make Return thereof to him as aforesaid; upon which Valuation and Return, the Property of and in the said Creatures so valued shall become, and be held and taken to be, and is hereby vested in the Person so making such Distress; but so, nevertheless, that he shall be answerable and accountable to the Owner or Owners aforesaid for the Valuation Money aforesaid, at any Time afterwards, within the Space of one Year next after the Publication of such Advertisements last aforesaid, having first deducted thereout the Costs of such Proceedings, Advertisements, and Charges of keeping the said Creature, with the Damages so ascertained; but if the said Owner or Owners shall not appear and demand the same, within the Time limited last aforesaid, then the said Person or Persons so making such Distress shall, upon Demand made, pay all such Overplus Money to the Overseers of the Poor of the Township where he, she or they shall reside, for the Use of the Poor thereof, under the Penalty of double the Sum detained in his, her or their Hands, contrary to the Direction of this Act.

IV. *AND be it further enacted by the Authority aforesaid,* That if any such Person or Persons so distraining shall neglect to give such Notice, as herein before is directed, or shall neglect to set up and publish such Advertisements in the most public Place of his, her or their Township, he, she or they shall forfeit and lose all Right or Title, or Pretence of Right to a Recovery of any Sum or Sums of Money for such Trespass, or any Recompence for the same; but shall deliver up the said Creature so distrained to the Owner or Owners thereof, without any Recompence, Fee or Reward whatsoever; and that one Half of all the Fines, imposed by Virtue of this Act, shall be to the Use of the Owner or Owners of such Creature, and the other Half thereof to the Overseers of the Poor of the said Township, for the Use of the Poor thereof, to be recovered by

If no Owners appear for trespassing Creatures, they are to be advertised in the *Pennsylvania Gazette*, &c.

Forfeiture on Persons neglecting to give Notice of Creatures distrained, &c.

them, or either of them, in a summary Way, as Debts not exceeding *Five Pounds* are by Law directed to be recovered.

Penalty on
keeping
Horses, &c.
Forty-eight
Hours with-
out advertis-
ing them.

V. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall, knowingly and wittingly, keep and retain any Horse, Mare, Colt, Cattle or Sheep, within his, her or their Inclosures, for the Space of Forty-eight Hours, without giving the Notice, and publishing the Advertisements aforesaid, every such Person or Persons shall forfeit and pay the Sum of *Five Pounds* for every such Offence, to be recovered and applied in Manner aforesaid.

Passed March 4, 1763.

C A P. VIII.

A SUPPLEMENT to an Act, intituled, *An Act to enable the Owners and Possessors of a certain Tract of Marsh and Meadow Land therein described, situate in the Counties of Philadelphia and Chester, to keep the Banks, Dams, Sluices and Floodgates in Repair, and to raise a Fund to defray the Expence thereof.*

Passed March 4, 1763.—Recorded A, Vol. IV. p. 421.—Private Act.

C A P. IX.

An ACT for enlarging and extending the Southern District of *Darby Marsh* or Meadow Ground.

Passed March 4, 1763.—Recorded A, Vol. IV. p. 410.—Private Act.

C A P. X.

An ACT the better to enable the Persons therein named to hold Lands, and to invest them with the Privileges of natural born Subjects of this Province.

Passed March 4, 1763.—Recorded A, Vol. IV. p. 418.—Private Act.

C A P. XI.

An ACT for altering and enlarging the Time of holding the Courts of General Quarter Sessions of the Peace, and Goal Delivery, in the County of *Bucks*, and for enlarging the Time of holding the Courts of General Quarter Sessions of the Peace, and Goal Delivery, in the County of *Chester*.

Preamble.

WHEREAS by an Act of Assembly of this Province, intituled, *An Act for establishing Courts of Judicature in this Province*, passed in the Eighth Year of King GEORGE the First, the Time for holding the County Courts of General Quarter Sessions of the Peace, and Goal Delivery, in the Counties of *Bucks* and *Chester* respectively, is limited to Two Days only in each Session, which, at the Time of passing the said Act, when the Province was in its Infancy, might be Time sufficient for accomplishing the Business in the said Courts; but inasmuch as the said Counties have since grown more populous, and the Business of the said Courts, as well as the Number of Inhabitants, considerably increased, so that the Time aforesaid for holding said Courts is now found, by Experience, to be insufficient to try and determine the Issues, and finish the other Business in the said Courts, from Time to Time depending, to the great Delay of Justice, Expence and Trouble of the People of the said Counties; and also, forasmuch as it will be more convenient and necessary that the said Court of General Quarter Sessions of the Peace, and Goal Delivery, in the County of *Bucks*, should begin earlier in the Week than is by the said Act directed; For Remedy whereof for the future, BE IT ENACTED by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That it shall and may be lawful to and for the Justices of the Courts of General Quarter Sessions of the Peace, and Goal Delivery, of the

the County of *Bucks*, and they are hereby enjoined and required, to hold the said Courts the Ninth Day following (inclusive) after holding the Courts of General Quarter Sessions of the Peace, and Goal Delivery, in the County of *Philadelphia*, in the Months of *March*, *June*, *September* and *December*, in each Year, and not on the Days and Times in the afore-recited Act directed and appointed.

II. *AND* be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Justices of the said Courts, in the Counties of *Bucks* and *Chester* respectively, and they are hereby enjoined and required, to hold the said Courts for and during the Space of Three Days in each Session, if Occasion be, and to adjourn over from Day to Day for that Purpose, any Thing in the said Act of Assembly to the contrary in any wise notwithstanding.

Passed March 4, 1763.

C A P. XII.

A SUPPLEMENT to the Act, intituled, *An Act for opening and better amending, and keeping in Repair, the public Roads and Highways within this Province.*

Passed March 4, 1763.——Expired.

C A P. XIII.

An ACT to enable certain Persons, therein named, to erect a Court-House at *Easton*, in the County of *Northampton*, and to levy a Tax on the Inhabitants of the said County, to defray the Expence thereof.

Passed March 4, 1763.——Obsolete.

C A P. XIV.

An ACT for regulating the Fines imposed upon the Assessors chosen, or to be chosen, within this Province.

Passed March 4, 1763.——Recorded A, Vol. IV. p. 405.——Expired.

C A P. XV.

An ACT for erecting a House of Correction in the County of *Lancaster*.

WHEREAS it hath been represented to this House, by Petition from a considerable Number of the Inhabitants of the Borough and County of *Lancaster*, that they now, and for a long Time, have suffered most grievously, as well by unruly disobedient Servants, as by idle strolling Vagrants from divers Parts, who have taken Shelter in that County and Borough; that Drunkenness, profane Swearing, Breach of the Sabbath, Tumults and other Vices, so much prevail, that it is not in the Power of the Magistrates to suppress them, and preserve Peace and good Order, having no House of Correction for the Punishment of such Offenders: And whereas the said County and Borough of *Lancaster* have been erected and established since the Passing an Act of General Assembly of this Province, for erecting Houses of Correction and Work-Houses in the respective Counties, passed in the Fourth Year of the Reign of King GEORGE the First, by Means whereof Doubts have arisen, concerning the Power of the said County to erect Houses of Correction or Work-Houses within the said County; For Remedy whereof, BE IT ENACTED by the Honourable JAMES HAMILTON, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That it shall and may be lawful for the Commissioners and Assessors of the County of *Lancaster*, or a Majority of them, to meet together, as soon as conveniently may be after the Passing of this Act, and as often thereafter as Need be, and make Orders for building, erecting, or causing to be built and erected, or provided, a House of Correction in the Borough of *Lancaster*, with convenient Yards thereunto adjoining; for doing and performing whereof all such Orders as the Commissioners and Assessors in the said County, or the major Part of them, shall from Time to Time

Times of holding Courts in Bucks County.

How long Courts are to be held in Bucks and Chester Counties.

Commissioners and Assessors to meet, and order the building a House of Correction.

Time take or set down for erecting the same, shall be of full Force, and be duly performed and put in Execution.

Which shall be assured to persons appointed by Justices of Quarter Sessions.

II. *AND be it further enacted by the Authority aforesaid*, That when the said House of Correction shall be so erected, and fully finished, the same shall be assured unto such Persons as the Justices of the Peace, or the major Part of them, in their Quarter Sessions of the Peace of the said County of *Lancaster*, shall think fit to order and direct; in Trust, nevertheless, to and for the public Use of the said County, to be and remain as a House of Correction for the said County, to be employed for the correcting, and keeping at hard Labour, all Rogues, Vagabonds, sturdy Beggars, and idle and disorderly Persons, who by the Laws and Usage of *Great-Britain*, or by the Laws of this Province, are to be kept, corrected, or set to Work in such Houses of Correction.

Manner of supporting said House.

III. *AND be it further enacted by the Authority aforesaid*, That when the House of Correction shall be erected and finished in the County of *Lancaster*, as is herein before directed and appointed, it shall and may be lawful for the Justices of the Peace of the said County, in their Quarter Sessions of the Peace, to certify their Want of Money for supporting the said House of Correction, and what Sum and Sums of Money they shall think necessary for the same, to the Commissioners and Assessors of the said County; the said Commissioners and Assessors are hereby required and enjoined, from Time to Time, to set down and ascertain such Sum and Sums of Money as they shall judge competent for the Purposes aforesaid, and to cause the same to be raised as County Rates are usually raised and levied, so that they do not exceed the Value of *Twenty-five Pounds* yearly.

Keeper, and other Officers, to be appointed.

IV. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for the Justices of the Peace of the said County, or the major Part of them, in their Court of General Quarter Sessions of the Peace, or at such other Times as shall be necessary, to nominate and appoint some discreet and sober Person to be the Keeper and Manager of the said House of Correction, and all other such Officers and Persons as shall be needful and necessary to be employed in and about the same, and him or them, or any of them, to remove, as they shall see Cause; and upon such a Removal, or in case of the Death of the said Keeper, or other Officer so to be appointed, to nominate and appoint others in their Place and Stead, and to settle such reasonable Allowances for their Services, and for the Support of the Persons committed to the said House of Correction, as the said Justices and Commissioners shall think fit.

Manager to give Security.

V. *AND be it further enacted by the Authority aforesaid*, That before any Sum or Sums of Money, or other Stock hereafter to be raised, for the Purposes aforesaid, shall be paid or delivered into the Hands of the Keeper or Manager of the said House of Correction, such Keeper or Manager shall give good and sufficient Security to the Commissioners and Assessors of the said County, to account for and pay to the Commissioners and Assessors, for the Time being, the Value of the principal Sum of Money, or other Stock to him delivered or paid, for the Purposes aforesaid, in case of his Death, or Removal from being Keeper of the said House of Correction.

Passed March 4, 1763.

C A P. XVI.

An ACT for preventing Abuses in the *Indian* Trade, and for securing and strengthening the Peace and Friendship, lately concluded with the *Indians* inhabiting the Northern and Western Frontiers of this Province.

Passed April 2, 1763.—Recorded A, Vol. IV. p. 424.—Expired.

C A P. XVII.

An ACT for regulating the Hire of Carriages to be employed in his Majesty's Service.

Passed July 8, 1763.—Expired.

C A P. XVIII.

An ACT for regulating the Officers and Soldiers in the Pay of this Province.

Passed July 8, 1763.—Expired.

C A P. XIX.

An ACT for the erecting a Light-House at the Mouth of the Bay of *Delaware*, at or near *Cape-Henlopen*, for placing and fixing Buoys in the said Bay and River *Delaware*, and for appointing Commissioners to receive, collect and recover certain Sums of Money, heretofore raised by Way of Lottery, and to appropriate the same to the Purposes aforesaid.

Passed September 30, 1763.—Recorded A, Vol. IV. p. 441.—Supplied by 11 GEO. III.

C A P. XX.

An ACT to enable the Commissioners for paving the Streets of the City of *Philadelphia* to settle the Accounts of the Managers, and to sue for and recover, from several Persons, such Sums of Money as are now due, and unpaid, on Account of the several Lotteries set up and drawn for paving the Streets of the said City.

Passed September 30, 1763.—Recorded A, Vol. IV. p. 444.—Obsolete.

C A P. XXI.

An ACT to continue an Act, intituled, *An Act for regulating and continuing the Nightly Watch, and enlightening the Streets, Lanes and Alleys of the City of Philadelphia, and for raising Money on the Inhabitants and Estates of the said City, for defraying the necessary Expence thereof.*

Passed September 30, 1763.—Recorded A, Vol. IV. p. 447.—Expired.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Domini 1763, in the Third Year of the Reign of our Sovereign Lord GEORGE III. and continued by Adjournments to the Twenty-second Day of *September* following.

C A P. I.

An ACT for granting to his Majesty the Sum of *Twenty-four Thousand Pounds*, for the Defence and Protection of this Province, and for other Purposes therein mentioned.

Passed October 22, 1763.—Recorded A, Vol. IV. p. 448.—Obsolete.

C A P. II.

An ACT to prohibit the selling of Guns, Gunpowder, or other Warlike Stores, to the *Indians*.

Passed October 22, 1763.—Expired.

C A P. III.

An ACT for regulating the Officers and Soldiers in the Pay of this Province.

Passed October 22, 1763.—Expired.

C A P. IV.

An ACT for preventing Tumults and riotous Assemblies, and for the more speedy and effectual punishing the Rioters.

Passed February 3, 1764.—Recorded A, Vol. IV. p. 462.—Expired.

C A P. V.

An ACT for the Payment of *Ten Thousand Nine Hundred and Forty-seven Pounds Sterling*, in certain Proportions, to several Colonies in *America*.

Passed March 23, 1764.—Recorded A, Vol. IV. p. 465.—Obsolete.

C A P. VI.

A SUPPLEMENT to the Act, intituled, *An Act for taking Lands in Execution for Payment of Debts*, and for confirming Partitions in several Instances heretofore made.

Preamble.

WHEREAS some Sheriffs, or other proper Officers, who have taken Lands, Tenements and Hereditaments in Execution, in Pursuance of the Act, intituled, *An Act for taking Lands in Execution for Payment of Debts*, have died, or have been removed before any Sale made thereof, or after Sale, but before any Deeds executed to the Purchasers, whereupon, in case of Death, Sales have been made, or Deeds executed by the Successor, and, in case of Removal, sometimes by the Successor, and sometimes by the Sheriff, or other Officer so removed. And whereas fundry Lands, Tenements and Hereditaments, taken in Execution by Virtue of Writs of *Fieri Facias*, have been sold, and Deeds executed for them, without any Writs of *Venditioni Exponas*, by Reason whereof Doubts have arisen, whether such Sales are good and effectual in Law, to the great Inconvenience of Purchasers and Debtors; for Remedy whereof, BE IT ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That wherever a Sheriff, or other proper Officer, who hath heretofore taken in Execution any Lands, Tenements or Hereditaments, in Pursuance of the said Act, hath died, or been removed from his Office, by the Expiration thereof, before Sale made of such Lands, Tenements or Hereditaments, or hath sold the same, but hath died, or been removed as aforesaid, before any Deed executed by him to the Purchaser, whereupon, in case of Removal, Sale hath been made, and a Deed executed to the Purchaser for the Premises, either by the Sheriff, or other Officer so removed, or by his Successor, or where the Sale hath been made by the Sheriff or Officer, so removed or deceased, and the Deed executed by his Successor, with or without any Writ of *Venditioni Exponas*, all such Deeds and Sales made *bona Fide* for valuable Consideration, before the Publication of this Act, shall be valid in Law, and shall convey the same Estate to the Purchasers that the respective Owners had in the Premises so sold and conveyed, at the Time of obtaining the Judgment, or of issuing the Execution against them, any Law, Custom or Usage to the contrary in any wise notwithstanding.

Lands taken in Execution by one Sheriff, and sold by his Successor, to be valid in Law.

Manner of proceeding in case of Sheriffs dying, &c. before Deeds are executed for Sales of Lands, taken in Execution.

II. *AND be it further enacted by the Authority aforesaid*, That whenever any Sheriff, or other proper Officer, who shall, pursuant to the said Act, hereafter take in Execution and sell any Lands, Tenements or Hereditaments, shall die, or be removed before any Deed executed for the same by him to the Purchaser, then, and in every such Case, the Plaintiff or Purchaser may apply to the Supreme Court, or to the County Court of Common Pleas wherein Judgment was obtained, and set forth the Case to the said Court, with the Reason why the Title was not perfected by the former Sheriff, or other Officer, who sold the same; and thereupon the said Court may, as they shall see Cause, and as Justice and Equity shall require, order and direct the Sheriff, or other proper Officer for the Time being, to perfect such Title, and execute a Deed for the same to the Purchaser: And upon such Order obtained as aforesaid, and entered on the Records of the said Court, it shall and may be lawful to and for any Sheriff, or other proper Officer, according to the said Order and Direction, and they are hereby impowered and required, upon the full Discharge and Payment of the Money or Price for which the said Lands, Tenements or Hereditaments were sold, with such Costs and Charges as remain unpaid to the former Sheriff, or other Officer, to make, execute, deliver and acknowledge any Deed or Deeds, and to perform and do all other Matters and Things that by the former Sheriff, or other Officer, might, could, or ought to have been performed or done in and about the Premises, by Virtue of the said recited Act; which, when done and performed, shall

shall be, and be held and adjudged, as effectual in Law, as if the Title had been compleated by the former Sheriff, or proper Officer.

III. *AND be it further enacted by the Authority aforesaid*, That if any Sheriff, or other proper Officer, who shall hereafter take in Execution any Lands, Tenements or Hereditaments, in Pursuance of the said Act, shall die or be removed, before any Sale made thereof, then, and in every such Case, the like Process shall issue to the succeeding Sheriff, or other proper Officer, and the same Proceedings be had, that might, could, or ought to have issued, or have been had, if such former Sheriff, or other Officer, had not died or been removed; which Proceedings shall be, and be held and adjudged, as effectual in Law, as if had before the Death or Removal of the former Sheriff, or Officer.

Sheriff dying, &c. before Sale made, the like Process shall issue to his Successor.

IV. *AND* whereas Writs of Partition have sometimes been executed, and Partitions made, by Persons who have been Sheriffs, after the Expiration of their Office, and it hath been doubted, whether such Partitions are effectual in Law; for removing such Doubts, *Be it therefore enacted by the Authority aforesaid*, That all Partitions that have been made by Persons, who have been Sheriffs, after the Expiration of their Office, and confirmed by the Courts respectively to which the Writs were returnable, where the Estates have been quietly held under such Partitions, and no Action or Suit hath hitherto been commenced for reversing or annulling the same, shall be, and be deemed and adjudged, as good and effectual in the Law, as if such Partitions had been made before Expiration of the Office of the Person so making the same.

Partitions made by Persons, who have been Sheriffs, to be good in Law.

V. *AND be it further enacted by the Authority aforesaid*, That an Act of the General Assembly of this Province, intituled, *A Supplement to the Act for taking Lands in Execution for the Payment of Debts*, be and is hereby repealed, and made void.

Former Law repealed.

Passed March 23, 1764.

C A P. VII.

An ACT for the Relief of *Samuel Wallis*, a Prisoner in the Goal of *Philadelphia*, with respect to the Imprisonment of his Person.

Passed March 23, 1764.—Private Act.

C A P. VIII.

A SUPPLEMENT to the Act, intituled, *An Act for the better settling Intestates Estates*, and for repealing one other Act of General Assembly of this Province, intituled, *An Act for amending the Laws relating to the Partition and Distribution of Intestates Estates*.

WHEREAS an Act of General Assembly of this Province was passed in the Fourth Year of QUEEN ANNE, intituled, *An Act for the better settling Intestates Estates*, which, by one other Act, passed in the Twenty-second Year of his late Majesty King GEORGE the Second, was in some Parts thereof altered, explained and amended; and forasmuch as some further Explanations and Amendments are found necessary; therefore, and in order to reduce the Laws relating to Intestates Estates into as few Acts as may be, and repealing such as shall thereby become of no further Service, BE IT ENACTED by the Honourable JOHN PENN, Esquire, Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That from and after the Fourth Day of *February*, One Thousand Seven Hundred and Forty-eight, if after the Death of any Father and Mother any of their Children hath died, or, at any Time after the Passing of this Act, shall die intestate, in their Minority, unmarried, and without Issue, but not otherwise, the Lands, Tenements, Hereditaments and Estates, real and personal, of every such Intestate, shall be equally divided amongst the surviving Children, and the Representatives of any Child or Children then dead, those Representatives taking only such Part or Share, as should have passed to the Child

Preamble.

22 GEO. II. Cap. 2.

Children dying intestate, and in their Minority, their Lands, &c. to be divided among the surviving Children, &c.

Child or Children they represent respectively in Severalty for ever. But if any Child, either of Age, or in his or her Minority, having or being entitled to any personal Estate under such Father, shall, after the Passing of this Act, die intestate, unmarried, and without Issue, during the Life of his or her Mother, all such personal Estate shall be equally divided between such Mother of the Deceased and his or her Brothers and Sisters, and their legal Representatives, in case any such Brother or Sister be then dead, they the said Representatives only taking the Share that should have passed to his, her or their Parents, had he or she been living.

II. *AND be it further enacted by the Authority aforesaid,* That the Shares and Purparts of Intestates real Estates, which by the Act for settling Intestates Estates aforesaid are given to Widows, shall be construed and understood to be Estates for their natural Lives respectively, and not otherwise.

Justices of
Orphans
Court to ap-
point Persons
to make Par-
tition, &c.

III. *AND* to prevent any Doubts which may hereafter arise, concerning the Manner in which the Partition of Intestates Estates may be made, *Be it enacted by the Authority aforesaid,* That it shall and may be lawful to and for the Justices of the Orphans Court of the County in which the Lands and Tenements of Intestates shall be, upon a Petition to them presented by the Widow or Relict, or by any Child or Children of such Intestate, if of Age, or by his or her, or by their Guardian or Guardians, or next Friends, if under Age, to appoint four or more Persons, indifferently chosen on Behalf and with Consent of the Parties, or, where the Parties cannot agree, to award an Inquest, to make Partition according to the Purport and true Meaning of the Act for settling Intestates Estates herein before mentioned; but so, nevertheless, that due Regard be had to the Amendments made by this Act; and upon the Return to them made by the Persons so to be appointed, or of the Inquisition so to be taken, to give Judgment, that the Partition thereby made do remain firm and stable for ever, and that the Costs arising on such Suit or Suits be paid by all the Parties concerned.

Where any
Estate in
Lands, &c.
cannot be di-
vided, with-
out Prejudice
to the whole,
the Court
may order all
to the eldest
Son, &c.

IV. *PROVIDED nevertheless,* That where any Estate in Lands, Tenements and Hereditaments, cannot be divided amongst the Children, or Widow and Children of the Intestate, without Prejudice to or spoiling of the whole, the same being so represented and made appear to the Orphans Court of the County where the same Lands or Tenements shall be, then the said Court may, but not otherwise, order the whole to the eldest Son, if he shall accept it, or any of the other Sons successively, upon the eldest Son's Refusal; or if there be no Son, or all the Sons refuse, then to the eldest Daughter of the said Intestate, and on her Refusal, to any other of the said Daughters successively; he or they, or some Friend for him, her or them, paying to the other Children of the Intestate their equal and proportionable Parts of the true Value of such Lands, Tenements or Hereditaments, as upon a just Appraisement thereof, pursuant to the Act for settling Intestates Estates aforesaid, is directed, or giving good Security for the Payment thereof in some reasonable Time, as the said Orphans Court shall limit and appoint; and the Person or Persons to whom, or for whose Use, Payment or Satisfaction shall be so made for their respective Parts or Shares of the Deceased's Lands, in Manner aforesaid, shall be for ever barred of all Right, Title or Demand, of, in, to or out of, the Intestate's Lands and Tenements aforesaid. But where the Wife is living, and the whole Premises shall be adjudged and ordered to the Heir at Law, or any other of the Children, the Wife of the Person so deceased shall not be entitled to the Sum at which her Purpart or Share of the Estate, so as aforesaid ordered to the Heir at Law, or any of the Children, shall be valued, but the same, together with the Interest thereof, shall be and remain charged upon the Premises, and the Interest thereof shall be regularly and annually paid by the Heir at Law, or such other Child to whom the same shall be adjudged, his or her Heirs or Assigns holding the said Lands, to be recovered by such Mother, by Distress or otherwise, as Rents in this Province are usually recovered, to his or her said Mother, during her natural Life; which the said Mother shall accept and receive, in Lieu and full Satisfaction for her Dower at Common Law: And at the Decease of the said Mother the said principal Sum, so as aforesaid valued and adjudged, shall be paid by the said Heir at Law, or other Child aforesaid, to whom the same shall be adjudged, his or her Heirs or Assigns holding the Premises, and shall be distributed and divided by

the said Court to and among the said Children of her Husband, and their Representatives, according to the Directions of the Act of Assembly herein before mentioned, made in the Fourth Year of QUEEN ANNE, allotting two Shares to the eldest Son, or to his Representative or Representatives.

V. *AND be it further enacted by the Authority aforesaid*, That where any Person, from and after the Fourth Day of February, One Thousand Seven Hundred and Forty-eight, hath made, or hereafter shall make, his or her last Will and Testament, and afterwards hath married or had, or after the Passing of this Act shall marry or have, a Child or Children not provided for in any such Will, and die, although such Child or Children be born after the Death of their Father, every such Person, so far as shall regard the Child or Children after born, shall be deemed and construed to die intestate, and such Child or Children shall be entitled to like Purparts, Shares and Dividends of the Estate, real and personal, of the Deceased, as if he or she had actually died without any Will: And in such Cases the Justices of the respective Orphans Courts, so far as regards the Wife after married, or Child or Children after born, shall have the same Power and Authority to make Partitions, or where Partitions cannot be made, without Prejudice to or spoiling the whole of that Part of the Estate devised to any Child or Children aforesaid, in that Case to value, adjudge and order the Premises to the Devisee or Devisees of such Part of the Estate as cannot be divided as aforesaid, and on the Refusal of such Devisee or Devisees, to the Children successively, as they may or can do where a Person dies wholly intestate; and the Devisee or Devisees, or the Child or Children to whom the Premises shall be adjudged, shall pay the Money, or give sufficient Security for the same, as is herein directed where the Person dies intestate as aforesaid.

Persons making their last Wills, but afterwards marrying and dying, having Children not provided for by such Wills, to be deemed to die intestate, &c.

VI. *AND be it further enacted by the Authority aforesaid*, That so much of the Act of Assembly herein before recited, intituled, *An Act for the better settling Intestates Estates*, as is herein and hereby altered, or is repugnant to the Provisions made by this Act, shall be and is hereby repealed, made null and void, any Thing in the said Act contained to the contrary thereof notwithstanding.

Part of a former Law repealed.

VII. *AND be it further enacted by the Authority aforesaid*, That the Act herein before mentioned, passed in the Twenty-second Year of the late King GEORGE the Second, intituled, *An Act for amending the Laws relating to the Partition and Distribution of Intestates Estates*, and every Part thereof, shall be and is hereby declared to be repealed, and made null and void, to all Intents and Purposes whatsoever.

22 GEO. II. Cap. 2.

VIII. *PROVIDED nevertheless*, That nothing in this Act contained shall be deemed, construed or taken to bar, defeat or destroy any Right, Title or Interest, heretofore arisen or accrued to any Person or Persons of, in, or to any Estate, real or personal, or to alter or make void any Settlements or Partitions of Intestates Estates, made in Virtue of the Act herein last before recited, and hereby repealed.

Passed March 23, 1764.

C A P. IX.

An ACT for granting to His Majesty the Sum of *Fifty-five Thousand Pounds*, and for striking the same in Bills of Credit, in the Manner herein after directed, and for providing a Fund for sinking the said Bills of Credit, by a Tax on all Estates, real and personal, and Taxables, within this Province.

Passed May 30, 1764.—Recorded A, Vol. V. p. 13.—Obsolete.

C A P. X.

An ACT for regulating the Officers and Soldiers in the Pay of this Province, and for continuing an Act, intituled, *An Act for regulating the Hire of Carriages to be employed in his Majesty's Service*.

Passed May 30, 1764.—Expired.

C A P. XI.

A SUPPLEMENT to the Act, intituled, *An Act for erecting a Light-House at the Mouth of the Bay of Delaware, at or near Cape-Henlopen, for placing and fixing Buoys in the said Bay and River Delaware, and for appointing Commissioners to receive, collect and recover, certain Sums of Money, heretofore raised by Way of Lottery, and to appropriate the same to the Purposes aforesaid*.

Passed September 22, 1764.—Repealed.

C A P. XII.

A SUPPLEMENT to the Act, intituled, *An Act for granting to His Majesty the Sum of Twenty-four Thousand Pounds, for the Defence and Protection of this Province, and for other Purposes therein mentioned.*

Passed September 22, 1764.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Domini 1764, in the Fourth Year of the Reign of our Sovereign Lord GEORGE III. and continued by Adjournments to the Twentieth Day of *September* following.

C A P. I.

An ACT for raising, by Way of Lottery, the Sum of *Three Thousand and Three Pounds Fifteen Shillings*, to be applied to the Payment of the Arrears of Debt due for the finishing *St. Peter's* and *St. Paul's* Episcopal Churches, in the City of *Philadelphia*; and towards finishing the Episcopal Church at *Carlisle*; and the building of an Episcopal Church in each of the Towns of *York* and *Reading*; and repairing the Episcopal Church at *Molattin*, in *Berks* County; and the Episcopal Church in *Huntington* Township, in *York* County; and for repairing the Episcopal Churches at *Chichester* and *Concord*; and purchasing a Glebe for the Church at *Chester*, in the County of *Chester*.

Passed February 15, 1765.—Recorded A, Vol. V. p. 53.

C A P. II.

A SUPPLEMENT to an Act, intituled, *An Act for the Relief of insolvent Debtors within the Province of Pennsylvania.*

Preamble.
5 GEO. III.
Cap. 15.

WHEREAS by Virtue of an Act of General Assembly, intituled, *An Act for the Relief of insolvent Debtors within the Province of Pennsylvania*, any Person charged in Execution for any Sum or Sums of Money, not exceeding in the whole the Sum of *One Hundred Pounds*, is entitled to the Benefit of the said Act, in the Manner therein directed: And whereas such Relief may be extended to Persons committed for larger Sums, without any Inconvenience to the Public, BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That any Person or Persons charged, or hereafter to be charged, in Execution for any Sum or Sums of Money, not exceeding in the whole the Sum of *One Hundred and Fifty Pounds* to any one Person, shall and may, after the Publication of this Act, be relieved in the same Manner as any Person now can or may be for a smaller Sum, by Virtue of the said Act, or of an Act, intituled, *An Act for the Amendment of the Law, intituled, An Act for the Relief of insolvent Debtors*, any Thing therein contained to the contrary notwithstanding.

II. AND be it further enacted by the Authority aforesaid, That if any Creditor or Creditors, being dissatisfied with the Oath or Affirmation of the Party charged in Execution, shall and do insist upon his or her being longer detained in Prison,

Debtors, not
owing above
*One Hundred
and Fifty
Pounds* to one
Person, enti-
tled to the
Benefit of the
insolvent
Act.

Prison, the Court shall notwithstanding immediately discharge the said Prisoner, unless the said Creditor or Creditors shall then and there agree, by Writing under his or her Hand, to pay and allow any Sum of Money that shall be assessed by the said Court, not exceeding *Five Shillings per Week*; but in case the Prisoner has a Wife or Children, any Sum not exceeding *Seven Shillings and Six-pence per Week* to the Prisoner, his Wife or Children; or in case the Prisoner be a Widow, to her and her Children, in such Proportions as the Justices of the said Court from Time to Time shall direct, on every *Monday*, so long as he or she shall continue in Prison, in the same Manner, and under the same Restrictions and Penalties, as in the aforesaid Act of Assembly, made for the Relief of insolvent Debtors, is provided.

III. *AND be it further enacted by the Authority aforesaid, That so much of the Act of Assembly aforesaid, to which this Act is a Supplement, as is hereby altered or changed, be and is hereby repealed.*

Passed February 2, 1765.

C A P. III.

An ACT for the Relief of *Walter Davies*, a languishing Prisoner in the Goal of *Philadelphia*, with respect to the Imprisonment of his Person.

Passed February 2, 1765.—Private Act.

C A P. IV.

An ACT for the Relief of *James Pearson*, a Prisoner in the Goal of *Philadelphia*, with respect to the Imprisonment of his Person.

Passed February 2, 1765.—Private Act.

C A P. V.

An ACT the better to enable the Persons therein named to hold Lands, and to invest them with the Privileges of natural born Subjects of this Province.

Passed February 2, 1765.—Recorded A, Vol. V. p. 42.—Private Act.

C A P. VI.

An ACT for the Relief of *Robert Lettis Hooper*, junior, a Prisoner in the Goal of *Philadelphia*, with respect to the Imprisonment of his Person.

Passed February 2, 1765.—Private Act.

C A P. VII.

An ACT for amending each and every of the Acts of Assembly of this Province heretofore made, for embanking and draining several Parcels of marshy Land, situate in the Counties of *Philadelphia* and *Chester*, and for repairing and maintaining the Banks, Dams and Sluices, thereunto belonging.

Passed February 15, 1765.—Recorded A, Vol. V. p. 74.

C A P. VIII.

A SUPPLEMENT to an Act, intituled, *A Supplement to the Act, intituled, An Act for regulating, pitching, paving and cleansing the Highways, Streets, Lanes and Alleys, and for regulating, making and amending the Water Courses and Common Sewers, within the inhabited and settled Parts of the City of Philadelphia, and for raising of Money to defray the Expence thereof.*

WHEREAS the Commissioners appointed in and by an Act of the General Assembly of this Province, intituled, *An Act for regulating, pitching, paving and cleansing the Highways, Streets, Lanes and Alleys, and for regulating, making and amending the Water Courses and Common Sewers, within the inhabited and settled Parts of the City of Philadelphia, and for raising of Money to defray the Expence thereof*, passed in the Third Year of His present Majesty's Reign, were, by another Act, intituled, *A Supplement to the Act, intituled, An Act for regulating, pitching, paving and cleansing the Highways, Streets, Lanes and Alleys, and for regulating, making and amending the Water Courses and Common Sewers, within the inhabited and settled Parts of the City of Philadelphia, and for raising of Money*

Preamble.

to defray the Expence thereof, passed in the same Year, for divers good Reasons and Causes, as was then apprehended, authorized and impowered to open, cleanse, repair, regulate and make navigable, a certain Water Course in the City of *Philadelphia*, commonly called and known by the Name of the *Dock*, extending from the River *Delaware* across *Front-street*, *Second-street* and *Walnut-street*, to the *Third-street* in the said City, with a Street on each Side thereof, formerly granted by the late Honourable WILLIAM PENN, Esq; Proprietary and Governor of this Province, to the Inhabitants of said City, for public Use, in such Manner as to them, the said Commissioners, should seem most convenient, useful and advantageous to the Public: And whereas, upon a careful Examination made by the said Commissioners, it is found that the opening and making navigable that Part of the said Dock, situate between *Walnut* and *Third-streets*, will not answer the good Purposes that were expected from the same, but that it will be more convenient, useful and advantageous to the Public, that such Part of the said Dock should be filled up over the Arch now erected, and, with the Streets adjoining, be regulated as one public Street: BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That such Part of the said Dock, as is situate between *Second* and *Third-streets*, extending from *Walnut-street* to the said *Third-street*, shall be filled up over the Arch now erected, and be, together with the Street adjoining on each Side, levelled, regulated, and left open and common for the Use of the Public, as one Street for ever, by the Name of *Dock-street*.

Part of the Dock, between *Second* and *Third-streets*, to be filled up, &c.

II. AND be it further enacted by the Authority aforesaid, That so much of the said recited Acts, as is hereby altered or changed, be and is hereby repealed, annulled and made void, any Thing in the said Acts, or either of them, contained to the contrary notwithstanding.

Passed February 15, 1765.—Recorded A, Vol. V. p. 52.

C A P. IX.

An ACT to enable the Owners and Possessors of a certain Piece of Marsh or Meadow Ground, herein after described, situate in *Kingessing*, in the County of *Philadelphia*, to embank and drain the same, to make and keep the outside Banks and Dams in good Repair for ever, and to raise a Fund to defray the yearly Expences accruing thereon.

Passed February 15, 1765.—Recorded A, Vol. V. p. 62.—Private Act.

C A P. X.

An ACT for opening and better amending, and keeping in Repair, the public Roads and Highways within this Province.

Passed May 18, 1765.—Expired.

C A P. XI.

A SUPPLEMENT to the Act, intituled, *An Act for the prohibiting the Importation of Germans, or other Passengers, in too great Numbers in any one Vessel.*

Preamble.

WHEREAS the Transportation of *German* Passengers from *Europe* hither, on Freight, is found by Experience to require some further Provision and Regulation than is already made by the said Act; Therefore, and to the End that the salutary Purposes for which the said Act was made may be the better obtained, and that the Freight Monies that shall justly become due to the Merchants and Owners of Ships that may be employed therein, may be secured to them, with as much Ease as may be to the Passengers, BE IT ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the

the

the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Room to be made for each such Passenger, which by the said Act is limited, as to its Length and Breadth, shall, under the Penalty in the said Act expressed, be also of the Height of Three Feet Nine Inches in the fore Part of the Ship between Decks, and Two Feet Nine Inches at least in the Cabbin and Steerage; and that no more than two Whole-freight Passengers shall be put together in one Bedstead or Division, except in case a Father or Mother shall desire to have their, or any of their, Children in the same Bedstead or Division.

The Room to be allowed each Passenger specified, &c.

II. *AND be it further enacted by the Authority aforesaid*, That the Master of each Vessel, carrying such German Passengers, shall provide an able and well recommended Surgeon, and a Chest, with a compleat Assortment of Medicines, on board of his Vessel, for the Use and Accommodation of the Passengers, at the Charge of the Owner or Owners of the Vessel, under the Penalty of *One Hundred Pounds*, provided such Vessel shall have or receive the Number of Fifty whole Freights; which Medicines shall be administered, by the said Surgeon, to any sick Passenger or Passengers on board of said Vessel, as often as Occasion may require, without his demanding any Pay or Satisfaction from the said Passengers for the same; and that every such Master shall, twice in every Week during the Voyage, cause the said Vessel to be thoroughly smoaked, by burning Tar between Decks, if the same can be done without Injury to such of the Passengers as may happen to be sick and languishing from Time to Time; and shall also, twice in every Week during the Voyage, cause the said Vessel to be well washed with Vinegar, and for these Purposes shall and may compel such Passengers, as are able, to come on Deck while it is performed.

Master of each Vessel to provide a Surgeon and Chest of Medicines, &c.

III. *AND be it further enacted by the Authority aforesaid*, That no Master, Purser or other Person on board of any such Vessel, shall retail or sell unto said Passengers, at a greater Price than *Fifty per Centum* Profit upon the first Cost, any Wine, Brandy, Rum, Geneva, Cordials, Beer, Cyder or other spirituous Liquors, or any Grocery, Spices or other Necessaries for sick Persons, and that no Passenger on board any such Vessel shall be trusted by any Person or Persons with more Liquor, or other Things as aforesaid, than to the Value of *Thirty Shillings*, current Money of this Province, in the Whole, during the Voyage, of which Sum not more than one third Part shall be for spirituous Liquors; and that every Master, Purser and other Person on board such Vessel, who shall retail to the said Passengers, or any of them, any of the aforesaid Articles, at greater Prices for the same, or in greater Quantities, than as aforesaid, and on his Arrival in this Province shall be convicted, in any Court of Record, of any such Offence, shall be fined in the Sum of *Five Pounds*; and if any Passenger shall be trusted for more than *Thirty Shillings* as aforesaid, during the Voyage, by any one Person, or by different Persons for several smaller Sums, amounting in the whole to more than *Thirty Shillings* as aforesaid, all such Persons shall be disabled from recovering any Debts for all or any such Articles from any such Passengers.

Profits on Necessaries sold to the Passengers limited, &c.

IV. *AND be it further enacted by the Authority aforesaid*, That the Officer appointed by Law to execute the said Act, to which this Act is a Supplement, or his Deputy, shall, on visiting any Vessel importing German Passengers, take with him a reputable German Inhabitant of the City of *Philadelphia*, well versed in the *English* and *German* Languages, to be his Interpreter, who shall be recommended or approved of by the Mayor and Recorder of the said City for the Time being for that Service, and shall first take a solemn Oath or Affirmation, according to Law, before one of the Magistrates of the said City, to the Effect following; *That he will well and truly interpret into English and German, between the said Officer and Passengers, and also well and truly execute and perform all the Duties of an Interpreter, agreeable to the Directions of this Act, to the best of his Skill and Ability*: And going on board the said Vessel, the said Interpreter shall call together the Passengers, and, in a loud and audible Voice, in the *German* Language, declare and proclaim to them, that the Officer appointed by Law to execute the aforesaid Act, and this Supplement thereof, is present, and shall read to the said Passengers a true, clear and intelligible Translation, in the *German* Language, of such Paragraph or Paragraphs in the aforesaid Act, and this

Officer, or his Deputy, on visiting any Vessel, to have with him an Interpreter, who is to take an Oath, &c.

Supplement thereof, contained, as do concern the Duties of the said Officer and Interpreter, and the several Matters of which they are to make Enquiry; and afterwards the Officer shall, by his said Interpreter, proceed to make his Enquiry, in such Manner as by the said Act, and this Supplement thereof, is directed.

Masters of Vessels to give each Passenger a Bill of Lading for Chests, &c.

V. *AND be it further enacted by the Authority aforesaid*, That any Master of such Vessel, who, at any Time from and after the First Day of November next, shall, at any Port of *Europe*, take in *German* Passengers, with an Intent to transport them into this Province, shall, under the Penalty of *Ten Pounds*, current Money of this Province, give, or cause to be given, unto each of such Passengers, a Bill of Lading, in the common Form, for all such Chests, Trunks, Crates, Bales, Casks and other Packages, belonging to such Passengers, as they require no Access to during the Voyage, and shall be put into the Hold of the same Vessel wherein he or she is a Passenger, or in any other Vessel, by the Master or Merchant hired to carry the Goods of such Passengers; but for all Goods which the Passengers shall have between Decks, or in their own Charge, the Master shall not be obliged to give them Bills of Lading, or be answerable for any Loss, Damage or Embezzlement of the same.

And touching in *Great-Britain*, shall inform the Custom Officers of Goods on board, liable to pay Duties, &c.

VI. *AND* forasmuch as *German* Passengers are usually ignorant what Goods are prohibited to be imported into his Majesty's Plantations, or not prohibited, and what are subject to Customs or Custom-free, the Master of such Vessel, when he touches at any Port of *Great-Britain* to clear out, shall, on Behalf of such of his Passengers as have any Goods on board of his Vessel, subject to pay Duties, inform the Officers of his Majesty's Customs thereof, and take out a Cocquet for all such Goods as shall come to his Knowledge, at the Charge of the Passenger to whom such Goods belong, upon such Passenger's paying the accustomed Duties for the same, to the End that such Goods, by the Ignorance of the Passengers, may not be forfeited. And if any Master of such Vessel shall neglect to enter, on the Terms aforesaid, with the proper Officer, any of the Goods belonging to such Passengers, subject to pay Custom, and coming to his Knowledge as aforesaid, so that such Goods shall be seized and forfeited through such his Neglect, the Master shall be liable to make good to such Passenger all the Loss and Damages which he shall suffer by any such Seizure or Forfeiture, with Costs of Suit.

Passengers, on paying or tendering their Freight Money, to be discharged, &c.

VII. *AND be it further enacted by the Authority aforesaid*, That every such Passenger, at his or her Arrival in this Province, on paying or tendering to the Owner or Master of such Vessel for his or her Freight, if a single Person, or if married, or having Children, for his or her own and Family's Freight, the full Sum for which he or she agreed in *Europe*, either in the Coin or Species in his or her Contract mentioned, or the Value thereof in lawful Money of *Pennsylvania*, as such Species or Coin shall be then current here, shall be immediately discharged from such Vessel, and all his or her Goods and Effects on board thereof to him or her in good Order delivered on Shore, without any further Cost or Charge of landing them. And that any Master of such Vessel or Merchant, refusing to accept of such Tender, and to put on Shore the Person by whom, or on whose Behalf, such Tender was made, with all his or her Goods on board such Vessel, shall be liable to be sued in an Action of Trover and Conversion, or of false Imprisonment, as the Case may require.

Put not paying their Freights at the Port they sailed from, their Goods to stand a lawful Pledge, &c.

VIII. *AND be it further enacted by the Authority aforesaid*, That from the Time every such Vessel shall have put to Sea, all the Goods of such Passengers on board thereof, as have not paid for their Passages at the Place from whence they sailed, shall stand a lawful Pledge for the Freight Money of such Passengers, until the same shall be fully paid and satisfied; and it shall and may be lawful to and for the Owner or Owners of such Vessel, and their Factors, at any Time within Thirty Days after the Arrival of such Passengers in this Province, to apply to any two Magistrates or Justices of the Peace for the City or County where such Passengers shall be landed, for an Execution against the Goods of such Passengers; and the said Magistrates or Justices are hereby impowered and required to issue a Summons, directed to a Constable of the Place where the Defendant liveth, to summon such Defendant to appear before them, on some certain Day therein to be expressed, not less than five, nor exceeding eight Days, from the Date of such Process, to shew Cause why such Execution should not be granted; and at the Time appointed, the said Magistrates or Justices, having heard the

Proofs

Proofs and Allegations of the Parties, shall give Judgment thereon, or at the Request of the Parties appoint Auditors, or if the Defendant cannot be found, or doth not appear, give Judgment for the Freight Money that shall appear to be due, and award Execution against the Goods and Chattels of such Defendant, and with such Costs of Suit, as in and by an Act of this Province, intituled, *An Act for the more easy and speedy Recovery of small Debts*, is directed, any Law or Usage to the contrary notwithstanding.

IX. *AND be it further enacted by the Authority aforesaid*, That no Master or Owner of such Vessel, nor any Merchant, shall charge the Freight of any Passenger dying on the Voyage, or otherwise not actually transported hither, to his or her surviving Relations: And that no Passenger, being actually transported from *Europe* into this Province, shall be compelled, against his or her Will, to pay, or make good by Service, all or any Part of the Freight of his or her Relations, with him or her transported, except a Man who is to pay for his Wife and Children so dying, or actually transported, and not otherwise.

Freight of
Passengers
dying, &c.
shall not be
charged to
their Rela-
tions, &c.

XI. *PROVIDED always*, That if the Person so dying, or actually transported, shall have a Child or Children on board of such Vessel, the said Child or Children may be charged with the Freight of his or their Father or Mother, and bound out to Service, for the Payment thereof, to the Age of Twenty-one, unless the same can be raised by their Service for a shorter Term: *Provided also*, and be it further enacted by the Authority aforesaid, That if any Child or Minor shall, at the Time of his or her said Importation, be of such an advanced Age, that his or her Service, until he or she arrives to the Age of Twenty-one Years, shall not be equal and sufficient to pay and discharge the Money due for his or her own Freight or Passage, then, and in such Case, he or she shall and may be bound to serve for the same until the Age of Twenty-four Years, and no longer, unless the said Money can be raised by his or her Service for a shorter Time, any Law, Usage or Custom, to the contrary notwithstanding.

But having
Children on
board, they
may be
charged with
the Freight
of their Pa-
rents, &c.

XI. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful for the Masters or Owners of such Vessels, or their Factors here, to keep and detain any such Passengers, who are unable to pay for their Freight, on board the same Vessel wherein they shall come Passengers, for the Space of Thirty Days next after their Arrival, in order that they may have Time to find out Relations or Friends, who may discharge their Freight, or to agree with some Person or Persons, who shall be willing to pay the same, in Consideration of their Servitude for a Term of Years, agreeable to Custom; and that the Masters of all such Vessels, under the Penalty expressed in the aforesaid Act, to which this is a Supplement, shall, during the said Term of Thirty Days, well and sufficiently provide for all and every of the Passengers, so retained and kept on board such Vessel as aforesaid, good and wholesome Meat and Drink, and other Necessaries for Passengers, at the proper Cost and Expence of the Owners of such Vessels: But if any such Passengers shall continue on board any such Vessels after the Expiration of the aforesaid Term, the Masters of such Vessels shall provide for such Passengers all Necessaries as aforesaid, at their Expence, charging the same to such Passengers Account, to be added to, and recovered together with, their Freights, and shall remove ashore all sick Persons, whose Diseases are not infectious, and Women near their Time of Labour, to some convenient House, and provide them with necessary Accommodations and Nursing, charging the Expence to such Passengers Account, to be added to, and recovered with, their Freights; but for such sick Persons as cannot be removed without Danger, the Masters of such Vessels may make as convenient Room and Accommodations on board such Vessels, as the Circumstances will admit of, or as the Mayor or Recorder, or any two Justices of the Peace, upon Application or Complaint made, shall order and direct.

Passengers,
unable to
pay their
Freight, to
be detained
on board 30
Days, &c.

XII. *AND be it further enacted by the Authority aforesaid*, That the Officer appointed for executing the aforesaid Act, or his Deputy, with the Interpreter aforesaid, shall, at least once in every Week, go on board every such Vessel having Passengers, to examine whether they are accommodated agreeable to the Direction of this Act.

Officer, &c.
to visit Pala-
tine Vessels
once in every
Week.

XIII. *AND be it further enacted by the Authority aforesaid*, That no Owner or Owners of any such Vessels, or any other Person or Persons for him or them,

or

No Bond,
to be
taken from
one Passen-
ger, to secure
Payment of
the Freight of
another, &c.

or on his or their Behalf, under any Pretence whatsoever, shall take any Bill, Bond, Note, or other Specialty or Instrument of Writing whatsoever, from any such Passenger, nor make any Contract with any such Passenger while on Ship-board, or after his Arrival here, to compel him or her to pay for the Freight of another Passenger, except in the Cases herein before mentioned, and that all such Bills, Bonds, Notes, Specialties, Instruments and Contracts, shall be utterly null and void. *Provided always*, That if any such Passenger, after having discharged his or her own Freight, shall be willing to enter into a joint Obligation with any other Passenger or Passengers remaining in Debt for his, her or their Freight, such Obligation shall be good and valid in Law.

Passengers
going on
Shore, and
leaving their
Goods, to
have Certifi-
cates, &c.

XIV. *AND be it further enacted by the Authority aforesaid*, That the Master of any such Vessel importing Passengers, or the Merchant or Merchants to whom any such Vessel shall be consigned, permitting any such Passengers to go on Shore from such Vessel, and retaining either on board, or in some Store or other Place, all or any of the Goods belonging to such Passengers, for Security of the Payment of his or her Freight, shall be obliged, under the Penalty of *Five Pounds*, to give unto such Passenger a Certificate, specifying the Goods, and the Sum for which they are so retained as aforesaid, with the Time and Terms in and on which they may be redeemed by the Payment of the Freight Money, and the Interest thereof; and that no Passenger shall be obliged to pay any Storage for Goods so retained as aforesaid.

Indentures to
be acknow-
ledged before
the Mayor,
&c.

XV. *AND be it further enacted by the Authority aforesaid*, That every Indenture, whereby any such Passenger shall be bound to serve his or her Master or Mistress, shall be acknowledged before the Mayor or Recorder of the City of *Philadelphia*, who shall keep an exact Record thereof, and in such Record shall clearly express the Province, County, City, Borough or Township, wherein such Master or Mistress resides; and the said Mayor and Recorder in the said City, and every Justice of the Peace in the several Counties of this Province, in whose Presence any Assignment on such Indenture may be made, shall in like Manner keep a Record of the Place of the Assignees Abode.

Husband and
Wife not to
be separated
but by Con-
sent.

XVI. *AND be it further enacted by the Authority aforesaid*, That no Master, or Owner of any such Vessel shall separate any Husband and Wife, who come Passengers in any such Vessel, by disposing of them to different Masters or Mistresses, but by mutual Consent of such Husband and Wife; and that every such Master or Owner of any such Vessel, or other Person, who shall separate an Husband from his Wife, except in Manner aforesaid, shall forfeit *Twenty Pounds* to the Husband, to be recovered in any Court of Record, by Bill, Plaint or Information, and every such Indenture shall be void and of no Effect.

Actions to
be brought
within two
Months after
Arrival.

XVII. *AND be it further enacted by the Authority aforesaid*, That all Actions to be commenced against any Master or Owner of any such Vessel, or other Person, by Virtue of this Act, or the said Act to which this is a Supplement, shall be brought within two Months next after the Arrival of any such Vessel in this Province.

Interpreter's
Fee.

XVIII. *AND be it further enacted by the Authority aforesaid*, That the Fee of the Interpreter aforesaid shall be, for his first going on board of every such Vessel as aforesaid, *Twenty Shillings*, and for every Time afterwards *Ten Shillings*, which shall be paid by the Importer, and charged upon the Passengers with their Head Money.

Manner of
recovering
Penalties,
&c.

XIX. *AND be it further enacted by the Authority aforesaid*, That the several Penalties and Forfeitures, by this Act imposed, shall be recovered in the same Manner, except herein otherwise provided, and shall, unless herein otherwise disposed of, go and be applied to the same Uses, as the Fines and Forfeitures imposed in and by the aforesaid Act, to which this is a Supplement.

Passed May 18, 1765.

C A P. XII.

An ACT to enable the Inhabitants of the Borough of *Lancaster*, in the County of *Lancaster*, to raise Money on themselves, for supporting a Nightly Watch in the said Borough, and for other Purposes therein mentioned.

Passed September 20, 1765.—Repealed 6 Geo. III. Cap. 10.

C A P.

C A P. XIII.

An ACT for the more easy Recovery of Legacies.

Passed September 20, 1765.—Repealed 12 GEO. III.

C A P. XIV.

An ACT to enable the Commissioners herein after named to settle the Accounts of the Managers, and to sue for and recover from several Persons, such Sums of Money as are now due and unpaid on Account of a Lottery, set up and drawn, for erecting a Bridge over *Skipack* Creek, in the County of *Philadelphia*; and to receive the voluntary Donations and Subscriptions of the Inhabitants, towards the better perfecting the said Bridge.

Passed September 20, 1765.—Expired.

C A P. XV.

An ACT to explain and amend a Supplement to an Act, intituled, *An Act for the Relief of insolvent Debtors within the Province of Pennsylvania.*

WHEREAS by Virtue of a Supplement to an Act, intituled, *An Act* ^{5 GEO. III. Cap. 2.} *for the Relief of insolvent Debtors within the Province of Pennsylvania*, passed in the present Year of his Majesty's Reign, it was enacted, that any Person or Persons charged, or thereafter to be charged, in Execution for any Sum or Sums of Money, not exceeding in the whole the Sum of *One Hundred and Fifty Pounds* to any one Person, should and might, after the Publication of that Act, be relieved in the same Manner as any Person could or might be for a smaller Sum, by Virtue of the Acts then in Force: And whereas a Doubt has arisen, whether any Person, owing a greater Sum to any one Person than *One Hundred and Fifty Pounds*, if charged in Execution for a less Sum, may not be relieved by the said Act; therefore, for the removing such Doubt, BE IT ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires; true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Person or Persons, being justly indebted to any one Person in a Sum exceeding *One Hundred and Fifty Pounds*, shall be intitled to Relief, as an insolvent Debtor, by Virtue of the said Supplement, or by Virtue of any Act now in Force for the Relief of insolvent Debtors, although such Person or Persons be charged in Execution for any other Sum, not exceeding *One Hundred and Fifty Pounds*, any Thing contained in the said Supplement, or in any other Act of Assembly, to the contrary notwithstanding.

Passed September 20, 1765.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Domini 1765, in the Fifth Year of the Reign of our Sovereign Lord GEORGE III. and continued by Adjournments to the Twentieth Day of *September* following.

C A P. I.

A SUPPLEMENT to the Act, intituled, *An Act to continue an Act, intituled, An Act for regulating and continuing the Nightly Watch, and enlightening the Streets, Lanes and Alleys of the City of Philadelphia, and for raising of Money on the Inhabitants and Estates of the said City, for defraying the Expences thereof.*

Passed February 8, 1766.—Expired.

C A P. II.

An ACT to prevent cutting or damaging the Ropes used by the Ferrymen on *Schuylkill*, or elsewhere within this Province.

Preamble.

WHEREAS the Ropes used by the Ferrymen, in drawing their Boats over the River *Schuylkill*, and other Rivers and Creeks within this Province, greatly tend to the Dispatch, Ease and Security of Persons passing over the same: And whereas several evil-minded Persons, going up and down the said River *Schuylkill*, have wantonly and maliciously cut the said Ropes, to the great Obstruction of Travellers, and Damage of the Owners thereof; For Prevention therefore of the like Mischiefs in future, BE IT ENACTED by the Honourable JOHN PENN, Esquire, Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Suffex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Person or Persons, from and after the Publication of this Act, shall cut any Rope, stretched across any of the said Rivers or Creeks, by the Owner or Occupier of any Ferry, and used in drawing the Boats carrying Travellers over the same, and shall be thereof legally convicted before any County Court of Quarter Sessions, to be held for the County where the said Offence shall be committed, or such Offender apprehended, every such Person or Persons, so offending, shall forfeit and pay the Sum of *Ten Pounds*; one Moiety thereof to the Owner or Owners of the said Rope, and the other Moiety thereof to the Overseers of the Poor of the City or Township where such Owner or Owners shall reside, to be applied by them to the Use of the Poor of the said Township. And in order to preserve the Navigation of the said Rivers and Creeks as free as conveniently may be, *Be it further enacted by the Authority aforesaid*, That if any Person or Persons shall have Occasion to go up or down the said Rivers or Creeks in Shallops, or other larger decked Vessels, every such Person shall request the Owners or Occupiers, their Ferrymen or Servants, to slacken and sink the said Ropes, in such Manner as to enable him or them to pass with his Shallop, or other larger decked Vessel, in Safety; and if the said Owners or Occupiers, their Ferrymen or Servants, shall neglect or refuse to slacken and sink the said Rope, in Manner aforesaid, with all convenient Speed, every such Owner or Occupier, being thereof legally convicted in the said

Penalty on cutting the Ropes.

Shallops, &c. passing, the Ropes to be sunk, &c.

Court

Court of Quarter Sessions, shall forfeit and pay the Sum of *Ten Pounds*; one Moiety thereof to the Owner or Owners of the said Vessels, so passing up or down the said Rivers or Creeks, and the other Moiety to the Overseers of the Poor of the said Township, for the Use of the Poor thereof.

II. *AND be it further enacted by the Authority aforesaid*, That all Flatts or Boats passing up and down the said River, if they shall be navigated by Sails, shall have their Masts to strike or take down occasionally, and the Owners thereof, when they come near to the said Ropes, shall take down and strike the said Masts, and shall, with all other Flatts and Boats, pass under the said Ropes, without injuring or damaging the same as aforesaid, unless the said Flatts shall be so loaded as to require the raising or sinking the said Ropes; in which Case the said Owner or Owners of any of the said Ropes, his or their Servant or Servants, shall, on such Notice, to be given as aforesaid by the Person navigating such loaded Flatts, raise or sink the said Ropes, in such Manner as to suffer and enable the said Flatts to pass by with Safety, under the said Penalty of *Ten Pounds*, to be recovered and applied in Manner aforesaid.

Passed February 8, 1766.

C A P. III.

An ACT for the better Employment, Relief and Support of the Poor, within the City of *Philadelphia*, the District of *Southwark*, the Townships of *Moyamensing* and *Passyunk*, and the *Northern Liberties*.

WHEREAS the Poor within the City of *Philadelphia*, the District of *Southwark*, the Townships of *Moyamensing* and *Passyunk*, and the *Northern Liberties*, are become very burthensome and expensive to the Inhabitants, and the Charge of their Support is likely to increase, without affording them so comfortable a Subsistence as might otherwise be supplied, for Want of proper Buildings, and due Regulations for their Employment and Relief: And whereas divers Inhabitants of this Province are charitably disposed to contribute largely towards so good a Work, if such Contributors might be incorporated, with proper Powers and Privileges for carrying on and compleating the same, and a Sum of Money could be raised by Law within the City, District and Townships aforesaid, and appropriated to the Purposes aforesaid; THEREFORE BE IT ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That it shall and may be lawful to and for every Person, who shall contribute the Sum of *Ten Pounds*, or more, towards founding, providing and establishing a Building or Buildings, for the Reception, Employment and Relief of the Poor of the City of *Philadelphia*, District of *Southwark*, the Townships of *Moyamensing* and *Passyunk*, and the *Northern Liberties*, or as many of the said Contributors as shall think fit, to meet on the second *Monday* in the Month of *May* next, and on the same Day, in the same Month, yearly for ever, at some convenient Place in the said City, then and there to elect, by Ballot, Twelve of their own Number to be Managers of the said Contributions, and Building or Buildings, and one other Person to be Treasurer, until the next annual Election.

II. *AND be it further enacted by the Authority aforesaid*, That the said Contributors shall for ever hereafter, in Name and in Fact, be one Body Politic and Corporate in Law, to all Intents and Purposes whatsoever, and shall have perpetual Succession, and may sue and be sued, plead or be impleaded, and shall be incorporated by the Name of *Contributors to the Relief and Employment of the Poor, in the City of Philadelphia*, and by that Name shall and may receive, take and hold any Lands, Tenements or Hereditaments, not exceeding the yearly Value of *One Thousand Pounds*, and any Goods and Chattels whatsoever of the Gift, Alienation, Bequest or Devise of any Person or Persons whatsoever; and

Flatts or Boats, with Sails, to have their Masts to strike occasionally, &c.

Persons contributing *Ten Pounds* to meet yearly, and elect 12 Managers, and a Treasurer.

Contributors incorporated, &c.

are hereby impowered and authoris'd to use one common Seal, in their Business relating to the said Corporation, and the same at their Pleasure to change and alter.

Managers to meet yearly on the third Monday in May, &c.

III. *AND*, for the better governing and managing the said Corporation, *Be it further enacted by the Authority aforesaid*, That the said Managers, or any Eight of them, shall, and they are hereby authoris'd, enjoined and required, to meet together on the third *Monday* in the Month of *May* yearly, and at all such other Times as they shall judge necessary, at some convenient Place in the said City, on reasonable Notice thereof given to each of them, to appoint proper Officers and Servants for carrying on the Business of the said Corporation, and to make and ordain, by a Majority of Votes, all such good and wholesome Ordinances, Rules and By-Laws, as they shall think convenient and necessary for the Direction, Government and Support of the Alms-House, and House of Employment, and the Revenues thereto belonging, and also for the Maintenance and Employment of all such poor Persons as shall be taken into or under their Care; all which Ordinances, Rules and By-Laws, shall be from Time to Time inviolably observed by all Persons concerned, according to the Tenor and Effect thereof, provided they be not repugnant to the Laws of *England*, or of this Government, and shall be approved of by the Speaker of the Assembly, Chief-Justice, and Attorney-General of this Province for the Time being.

Contributors raising Fifteen Hundred Pounds Stock, the Mayor, &c. impowered to borrow Two Thousand Pounds for the Managers, &c.

IV. *AND be it further enacted by the Authority aforesaid*, That when the said Contributors shall have met, and chosen their Managers and Treasurer as aforesaid, and shall have raised, by their Contributions, a Stock of *Fifteen Hundred Pounds*, for and towards the Purposes aforesaid, and shall make the same appear, to the Satisfaction of the Mayor, Recorder and Aldermen of the said City, or a Majority of them, of which the Mayor or Recorder for the Time being shall be one, and of the Assessors of the said City, or a Majority of them, it shall and may be lawful, and the Mayor and Commonalty of the City of *Philadelphia*, in whom, as Trustees for the Benefit of the Inhabitants of the City, the Title to the Lot and Piece of Ground, whereon the Alms-House of the said City is erected, was vested, are hereby enjoined and required to borrow, of such Person or Persons as shall be willing to lend, the Sum of *Two Thousand Pounds*, and to convey the Lot and Piece of Ground, whereon the Alms-House of the City of *Philadelphia* is erected, or any Part or Parts thereof, together with the Buildings thereon, by Way of Mortgage, and as a Security for the Payment of the said Sum of Money, to such Person or Persons as shall lend the same; which Sum, so borrowed, shall be paid to the Treasurer of the said Contributors, to be by their Managers applied towards purchasing the Lot of Ground, and erecting the Alms-House, and House of Employment, herein after mentioned: And when the said Lot shall be so purchased, and the said Houses erected, then the said Mayor and Commonalty, by and with the Advice and Consent of the Assessors of the said City, to be testified by their, or a Majority of their, Names subscribed, as Witnesses to the Deed, shall, and they are hereby enjoined and required to grant, bargain and sell the said Lot of Ground, with the Buildings thereon erected, to any Person or Persons who shall be willing to purchase, and to his, her or their Heirs and Assigns for ever, for the greatest Sum or Sums of Money that can be procured for the same, and, upon Receipt of the said Money, to pay and discharge the said Sum so borrowed, with the Interest thereof, and to pay the Residue to the Treasurer of the said Contributors, to be, by the Managers aforesaid, applied and appropriated to the Purposes in this Act mentioned and directed.

V. *AND* whereas the said Lot of Ground, so as aforesaid directed to be sold, and the Houses thereon built, were purchased and erected at the Expence of the Inhabitants of the said City, and it is but just and reasonable that, when the same shall be sold, and the Money arising from such Sale shall be applied to the joint Benefit of the said City, District and Townships aforesaid, that the Inhabitants of the said District and Townships should pay to the said City, their just and reasonable Proportion thereof, *Be it therefore enacted by the Authority aforesaid*, That when the said Lot of Ground shall be sold as aforesaid, there shall be raised and levied, within Five Years next after such Sale, over and above the Sums of Money that may be necessary, during that Time, for the Relief and

Support

Support of the Poor of the said District and Townships, by a Rate or Assessment to be laid on all Estates, real and personal, within the said District and Townships, by the same Persons, in the same Manner, and under the same Penalties, to be recovered as the Sums of Money to be raised for the Relief of the Poor are or shall be at that Time assessed, levied and recovered, so much Money as shall be equal to one Fourth Part of the Sum and Sums of Money for which the said Lot of Ground shall be sold; and that the said Money, so to be raised and levied on the District and Townships aforesaid, shall be paid to the said Treasurer, and applied, by the Managers aforesaid, in Ease of the Inhabitants of the said City, towards the Relief and Support of the Poor thereof.

District and Townships, within five Years after Sale of the Lot and Houses, to raise a Sum equal to one Fourth Part of what they sold for.

VI. *AND be it further enacted by the Authority aforesaid,* That if the Money to be raised as aforesaid by Contributions, and the Sale of the Lot of Ground aforesaid, shall not be sufficient to defray the Expence of purchasing the Ground, and erecting the Houses herein before mentioned, it shall and may be lawful to and for the said Managers to borrow, from any Person or Persons who shall be willing to lend, any Sum or Sums of Money, not exceeding in the whole the Sum of *One Thousand Pounds*, to be applied towards purchasing the Ground, and erecting the Houses aforesaid; and every Lender shall immediately receive a Certificate in Writing, under the Seal of the said Corporation, for the Payment of the Sum lent, with the Interest agreed on, not exceeding *Six per Centum per Annum*; which Certificate shall be registered in a Book to be kept for that Purpose, and the Interest Money thereon shall be paid, by the said Corporation, every Year.

Contributions, &c. not being sufficient, Managers may borrow a Sum, not exceeding *One Thousand Pounds*, &c.

VII. *AND be it further enacted by the Authority aforesaid,* That all and every Lender or Lenders, his, her or their Executors or Administrators, may assign and transfer his, her or their Certificate, with all his, her or their Right or Interest therein, by an Indorsement thereon, to any other Person or Persons; and such Assignee may, in like Manner, assign again, and so *toties quoties*; and afterwards it shall not be in the Power of the Person so assigning to make void, release or discharge the said Certificate.

Lenders may transfer their Certificates &c.

VIII. *AND in order to secure to the said Lenders the respective Sums of Money so lent, with the Interest thereof, Be it further enacted by the Authority aforesaid,* That if the Contributions which shall be made and given for the Purposes aforesaid, from Time to Time, shall not be sufficient to satisfy and discharge the Sums so borrowed, with the Interest thereon accruing, when they become due, such Deficiency shall be paid and satisfied by a just and proportionable Rate or Tax, to be laid, assessed and levied on all the Estates, real and personal, within the City, District and Townships aforesaid, by the same Persons, and under the same Penalties, to be recovered in the same Manner, and in the same Proportions, in the said City, District and Townships respectively, as the Sums of Money to be raised for the Relief of the Poor are or shall at that Time be laid, assessed and levied, and when so levied, shall be paid to the Treasurer of the said Contributors, to be by the said Managers paid in Discharge of the said Loans; and that the Mayor, Recorder, and two Aldermen of the same City, for the Time being, and three Justices of the County of *Philadelphia*, upon such Insufficiency appearing to them from the Accounts of the said Managers, which shall be laid before them for that Purpose, shall forthwith certify the same to the Overseers of the Poor of the said City, District and Townships, in Writing, under their Hands, in order that the said Deficiency may be laid, assessed and levied, in Manner aforesaid.

Deficiency in Contributions to be supplied by a Tax, &c.

IX. *AND be it further enacted by the Authority aforesaid,* That the Accounts of the Disbursements of the Money, for which the said Lot of Ground shall be sold, and of the Money to be borrowed on Certificate as aforesaid; and of such Parts thereof as shall be expended, and of the Rents and Interest of any real and personal Estate given to the said Corporation, together with an Account of such Donations, shall be fairly drawn out, and published annually in the *Pennsylvania Gazette*, or other News-Paper; and that the said Corporation shall, at all Times when required, submit their Books, Accounts, Affairs and Oeconomy, to the Inspection and free Examination of such Visitors, as shall be from Time to Time appointed, by the Assembly of this Province, to visit, inspect and examine the same.

Accounts of Disbursements, &c. to be published annually.

Managers to apply the Interest only of the Capital Stock.

X. *AND be it further enacted by the Authority aforesaid*, That the said Managers shall not apply or employ any Money, or other Estate, expressly given or added to the Capital Stock, in any other Way than by applying its annual Income, Interest or Rent, towards the Purposes mentioned in this Act.

Managers to purchase Lots, and erect Buildings, &c.

XI. *AND be it further enacted by the Authority aforesaid*, That the said Managers, as soon as conveniently may be after the Publication of this Act, shall, and they are hereby enjoined and required to purchase a Lot or Lots of Ground, adjoining each other, in the said City, and to erect thereon a commodious Building or Buildings, and to appropriate one Part thereof, to be called *The Alms-House*, to and for the Reception and Lodging of all such of the Poor of the said City, District and Townships, as shall be incapable of contributing towards their Support by their Labour; and another Part or Parts thereof to and for the Reception, Lodging and Employment of all such of the Poor of the Places aforesaid, as shall be able to work; and that the said Managers shall from Time to Time receive, provide for and employ, according to the true Intent and Meaning of this Act, all such poor, indigent and needy Persons, as shall be intitled to Relief in the said City, District and Townships, by the Laws of this Province, and shall be legally sent there, by an Order or Warrant for the same, under the Hands and Seals of any two Justices of the Peace of the said City, or any two Justices of the Counties within this Province respectively; and for that Purpose shall hire Servants, and provide all necessary Materials and Implements; and shall also receive into the said Building or Buildings all such Persons, as shall offer to work, under their Care and Direction, for their Maintenance, at such Wages, that their Labour will contribute to the Advancement of the Design of the said Corporation.

Disorderly Persons to be committed to the House of Employment, &c.

XII. *AND be it further enacted by the Authority aforesaid*, That upon Complaint made, by any two of the said Managers, that any Person, from his or her disorderly Conduct, gives Disturbance to his or her Neighbourhood, and is likely to become chargeable to the said City, District or Townships, it shall and may be lawful for any two Magistrates of the said City, or any two Justices of the Peace of the County of *Philadelphia* respectively, if, upon hearing the Party, they shall adjudge the Complaint to be well founded, to commit such disorderly Person, residing within the said City, District or Townships aforesaid respectively, to the said House of Employment, for any Time not exceeding Three Months, unless he or she shall find Security, at the Discretion of the Magistrates or Justices aforesaid, in any Sum not exceeding *Fifty Pounds*, for his or her good Behaviour, and more orderly Demeanor, during the Space of Six Months; and also upon Complaint, and due Proof made, by any two of the said Managers, to any Magistrates of the said City, that any Person under their Care, in the said House of Employment, hath behaved and demeaned him or herself in a disorderly Manner, or hath refused or neglected to do and perform his or her daily Labour or Task, or hath refused or neglected to obey, keep and observe the Ordinances, Rules and By-Laws of the said Corporation, to order and direct such moderate and proper Correction to be given to such Offender, as the Nature of the Case shall require.

Rogues, Vagabonds, &c. having no visible Means of Subsistence, to be committed to the House of Employment, and kept at hard Labour, &c.

XIII. *AND* whereas great Numbers of Rogues, Vagabonds, and other idle and dissolute Persons, frequently come from the neighbouring Provinces into the said City, District and Townships, and there take up their Abode, without following any Labour, Trade or Business, or having any visible Means of Subsistence, and are not only dangerous Members of Society, but in the End become burthensome to the Public; *Be it therefore enacted by the Authority aforesaid*, That it shall and may be lawful for any Justice of the Peace of the City or County aforesaid to apprehend, and, upon due Examination and Proof, commit to the said House of Employment, all Rogues, Vagabonds, and other idle, dissolute and disorderly Persons, found loitering or residing in the said City, District or Townships aforesaid, who follow no Labour, Trade, Occupation or Business, and have no visible Means of Subsistence, whereby to acquire an honest Livelihood, there to be kept at hard Labour, for any Term not exceeding Three Months; and the said Managers are required to receive such Persons, and employ them, according to the Tenor of such Commitments.

XIV. *AND*

XIV. *AND be it further enacted by the Authority aforesaid,* That for and towards the Relief, Support and Employment of the Poor aforesaid, the Overseers of the Poor of the said City, District and Townships respectively, shall pay the Monies by them respectively levied and raised, from Time to Time, for the Maintenance, Support and Employment of their respective Poor, to the Treasurer of the said Corporation, after having deducted thereout the Charges which shall arise from the Reception or Removal of their Poor respectively; which said Money shall be applied and appropriated to and for the Uses aforesaid, by the said Managers, and to no other whatever.

XV. *AND be it further enacted by the Authority aforesaid,* That the respective Treasurers for the Time being, before they enter on the Execution of their Offices, shall become bound to the said Corporation, with one or more sufficient Sureties, in an Obligation of *Four Thousand Pounds*, conditioned for the true and faithful Discharge of their said Offices; and that, at the Expiration of their said respective Offices, they will well and truly pay and deliver over to the succeeding Treasurer, all the Money, Books, Accompts, Bonds and Papers, belonging to the said Corporation, which shall then be remaining in their Hands, Custody and Possession.

Passed February 8, 1766.

C A P. IV.

An ACT to prevent the Destruction of small Rock-fish, and taking of Oysters, and bringing them into this Province out of Season.

Passed February 8, 1766.—Repealed by 11 GEORGE III.

C A P. V.

An ACT for appointing Wardens for the Port of *Philadelphia*, and for the regulating Pilots plying in the River and Bay of *Delaware*, and the Price of Pilotage to and from the said Port.

Passed February 8, 1766.—Expired.

C A P. VI.

A SUPPLEMENT to the Act, intituled, *A Supplement to the Act, intituled, An Act for regulating, pitching, paving and cleansing the Highways, Streets, Lanes and Alleys, of the City of Philadelphia, &c.*

Passed February 8, 1766.—Expired.

C A P. VII.

An ACT to prolong the Time limited for drawing the Lottery, instituted and directed to be drawn in and by Virtue of an Act, intituled, *An Act for raising, by Way of Lottery, the Sum of Three Thousand and Three Pounds, Fifteen Shillings, to be applied to the Payment of the Arrears of Debt due for the finishing St. Peter's and St. Paul's Episcopal Churches, in the City of Philadelphia, &c.* and for appointing a Manager in the Room of *Henry Harrison*, Esquire, deceased.

Passed February 8, 1766.—Obsolete.

C A P. VIII.

An ACT directing the Choice of Inspectors, and for holding the General Elections in this Province.

WHEREAS, notwithstanding the several Laws and prudent Regulations, made by the Legislature of this Province, for the Preservation of the just Rights and Privileges of the Freemen and Electors, in the General Elections annually appointed, great Mischiefs and Inconveniences have arisen, and many Frauds been committed: For Remedy whereof, BE IT ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Freeholders and others, residing in each Township of

Freeholders,
&c. in each
Township,
&c. to meet
yearly, and
elect an In-
specter, &c.

of this Province, and the District of *Southwark*, qualified to elect Members of Assembly, shall meet on the Twenty-seventh Day of *September* yearly, but if the same shall happen upon a *Sunday*, then upon the Day next before, at the most convenient Place within their said respective Townships and District aforesaid, to be appointed by the Constable or Constables of the said Places respectively, or in case of his or their Absence, Neglect or Refusal, then at the most convenient Place within such Township or District, as the Overseers of the Poor shall appoint; and the said Electors, having a Right to vote for Members of Assembly, shall, between the Hours of Twelve in the Forenoon and Five in the Afternoon of the same Day, during all which Time the Election shall continue, in the Presence of the Constable or Constables, and two such Freeholders as he or they shall call to his or their Assistance, or in case of their Absence, Neglect or Refusal, the Overseers of the Poor, proceed to elect, by balloting, one able and discreet Freeholder, residing within the said Township or District aforesaid, who may be supposed to be best acquainted with the Estates and Circumstances of the Inhabitants, the Name of which Person so chosen shall be taken down in Writing, by the Constable or Constables, or Overseers of the Poor, as the Case may be, with the Name of the Township and District aforesaid for which he is chosen, and shall be, under their Hands, delivered to the Sheriff, at the Place of Election, or to such Person or Persons as shall be Judges of the same, before the Hour of Nine in the Forenoon of the Day, whereupon the Election of Members of Assembly shall happen, who shall for that Year be Inspectors of the Election, and as such shall be declared and published by the Sheriff, or other Judge of the Election, in the Presence of such of the Electors as shall attend.

Freeholders,
&c. in each
Ward of the
City, to meet
yearly, and
elect two In-
spectors, &c.

II. *AND be it further enacted by the Authority aforesaid*, That the Freeholders and others, having Right to vote for Members of Assembly, residing in each Ward of the City of *Philadelphia*, shall meet on the Twenty-seventh Day of *September* yearly, but if the same shall happen on a *Sunday*, then upon the Day next before, at some convenient Place within their said respective Wards, to be appointed by the Constable or Constables of the said Wards respectively, or in case of his or their Absence, Neglect or Refusal, then at such convenient Place within such Ward, as the Overseer or Overseers of the Poor of the said City shall appoint; and the said Freeholders and others, having a Right to vote for Members of Assembly, shall, between the Hours of Ten in the Forenoon and Four in the Afternoon of the same Day, during all which Time the Election shall continue, in the Presence of the Constable or Constables, and two such Freeholders as he or they shall call to his or their Assistance, or in case of his and their Absence, Neglect or Refusal, the Overseers of the Poor aforesaid, proceed to elect, by Ballot, two able and discreet Freeholders, residing within the said Wards, who may be supposed to be best acquainted with the Estates and Circumstances of the Inhabitants, one of them to serve as Inspector in the County Election, and the other in the City Election, the Names of which Persons so chosen shall be taken down in Writing, by the Constable or Constables, Overseer or Overseers of the Poor aforesaid, as the Case shall be, with the Name of the Ward for which they were chosen, and shall be returned, under their Hands, to the Sheriff, at the Place of Election, or to such other Person or Persons as shall be Judges of the same, before the Hour of Nine in the Forenoon of the Day, whereon the Election of Members of Assembly for the said County shall happen; which said Freeholders, so chosen, shall be published and declared by the Sheriff, in the Presence of so many of the Electors as shall attend, to be the Inspectors duly chosen for the Purposes aforesaid respectively.

Manner of
receiving the
Tickets,
&c.

III. *AND be it further enacted by the Authority aforesaid*, That in receiving the Tickets and Votes of the Electors, so many of the Inspectors of the Townships, Wards and District aforesaid, not more than Six, or less than Four, shall be placed together, at such Doors, Windows, or other convenient Places of the House in which the Election shall be held, as shall be agreed on by a Majority of the Judges herein after directed to be appointed, joined with the Sheriff or Coroner, as the Case may be; and that on or near each of the Places aforesaid shall be wrote or printed, in large Characters or Letters, the Names of each Township, Ward and District, whose Inspectors shall attend to receive the Tickets at that Place; and that the said Sheriff or Coroner, and the Judges
aforesaid,

aforesaid, shall meet before the Hour of Nine of the Clock in the Forenoon, and proceed with all Expedition to divide the several Townships, Wards and District aforesaid, of each respective County, in Manner aforesaid.

IV. *AND be it further enacted by the Authority aforesaid*, That if any Sheriff, Coroner or Inspector, shall be duly convicted of any wilful Fraud, in the Discharge of the Duties hereby enjoined and required of him, he shall forfeit the Sum of *One Hundred Pounds*, and be for ever thereafter disabled from holding or exercising any Office of Honour, Trust or Profit, in this Province.

Penalty on Sheriff, &c. convicted of wilful Fraud.

V. *AND be it further enacted by the Authority aforesaid*, That before the said Inspectors proceed to act in assisting the Sheriff to receive the Poll or Votes of the said Electors, they shall be qualified, by Oath or Affirmation, by the Sheriff of the proper County, or other Judges of the said Election, who are hereby required and impowered to administer the same, *That they, the said Inspectors, will duly attend the ensuing Election, during the Continuance thereof, and well, truly and faithfully, assist the Sheriff, Coroner, or other Judges of the said Election, to prevent all Frauds and Deceits whatsoever, of Electors or others, in carrying on the same, and in causing the Poll or Votes at such Election to be taken, marked off upon their respective Lists, and cast up, as is by this Act, and by an Act, passed in the Fourth Year of the late Queen ANNE, intituled, An Act to ascertain the Number of Members of Assembly, and to regulate Elections, directed and enjoined.* And the Inspectors shall, and they are hereby authorized to admi-

Inspectors Qualification ;

nister to every Elector, or Person who presents his Ticket, who shall be suspected by any of the Judges not to be intitled to vote, an Oath or Affirmation in the Words following ; that is to say, *That he is Twenty-one Years of Age, and a Freeholder of the County of —, and has fifty Acres of Land, or more, well seated, and twelve Acres thereof, or more, cleared ; or that he is otherwise worth Fifty Pounds, Money of this Province, clear Estate, and hath been a Resident therein for the Space of two Years, and that he is (if a Foreigner by Birth) in due Form of Law naturalized, and that he has not before voted at this Election ;* and the Votes or Tickets of such as offer to poll, and refuse to take the said Oath or Affirmation, shall be openly rejected ; and the Votes or Tickets of every Person, who takes the said Oath or Affirmation, shall, with the other lawful Tickets or Votes, be put into the Box provided for that Purpose. *Provided always, and be it further enacted by the Authority aforesaid*, That the Inspectors of the several Townships, Wards and District aforesaid, within the said Counties and City, if present, shall receive the Votes or Tickets of the Electors of the Townships, Wards and District aforesaid, for which they are chosen, and no other, or in case of their Absence, some other Inspector of the same Division ; and that no Votes or Tickets shall be taken or allowed, unless such Votes or Tickets be so as aforesaid received, and the Name of every Person, and Place in which he resides, shall be called out aloud, so as to be heard by the Inspectors and Clerks of each Division respectively, and shall be marked off, by the Inspectors aforesaid, at the Time of his voting, by writing the Word *voted*, and, if qualified, by adding the Word *sworn or affirmed*, as the Case may be, in the Margent of the Lists of the Taxables of their respective Townships, to be lodged in the Hands of the said Inspectors, for the Purposes aforesaid, as is herein after directed, and shall also be taken down in Writing by two Clerks, to be appointed for that Purpose.

who are to administer an Oath or Affirmation to suspected Electors.

Inspectors to receive the Votes of their respective Townships, &c. only.

VI. *AND be it further enacted by the Authority aforesaid*, That the Constables of the respective Townships, Wards and District aforesaid, within the Counties aforesaid, or in case of the Death, Neglect or Absence of the said Constables, then the Overseers of the Poor of such Township, Ward or District aforesaid, or one of them, shall, at least Six Days before the said Twenty-seventh Day of *September*, in every Year, give public Notice in Writing, by affixing the same at the most public Places in the respective Townships, Wards, and District aforesaid, of the Place where the Electors shall meet, to elect a fit and substantial Freeholder, according to the Direction of this Act ; and that the said Constable, or in his Absence the Overseer of the Poor as aforesaid, shall there attend, at the Time appointed in this Act ; and such Constable, or Overseer of the Poor, shall call to his Assistance two substantial Freeholders of the said Township, Ward or District aforesaid, being there present, who shall assist them in judging of the said Election, and in taking the Votes, and who, together

Constables, &c. to give Six Days Notice of the Place appointed for the Election of Inspectors, &c.

with himself, shall, as soon as the said Election is closed, certify, under their Hands, that such Person or Persons were elected, by a Majority of lawful Votes, by the Township, Ward or District aforesaid, to which he belongs, whereof the said Constable, or other Judge of the Election as aforesaid, shall immediately give Notice to the Person so elected, that he may give his Attendance at the ensuing Election for Members of Assembly accordingly. And the Certificates so as aforesaid taken of the Person or Persons elected, shall be delivered by the Constable to the Sheriff, or other Judge or Judges of the Election of the County or City to which they belong, in the Manner herein before directed. And if any Constable, or Overseer of the Poor, being Judge of such Election as aforesaid, shall neglect to do the Duties hereby enjoined them respectively, or shall wilfully misbehave him or themselves in the Execution of his or their Duty, and be thereof legally convicted, such Person, so offending, shall forfeit and pay the Sum of *Ten Pounds*, to any Person who shall sue for the same.

Commissioners to furnish the Sheriff, &c. with a List of the Taxables, &c.

VII. *AND be it further enacted by the Authority aforesaid*, That the Commissioners of the respective Counties shall, at least one Day before the Day of Election of Members of Assembly, in every Year, during the Continuance of this Act, furnish the Sheriff, or other Judges of Election of their Counties respectively, with a separate alphabetical List of the Names and Rates of all the Taxables in each Township, Ward and District aforesaid; and two such Lists of the Names and Rates of all the Taxables in each Ward in the said City, taken from the last County or Provincial Assessment, to be by him delivered to the Inspectors at the ensuing Election, to enable the Inspectors and Judges of the Election the better to judge of the Qualifications of the Electors, and to comply with the Directions of this Act, under the Penalty of *Fifty Pounds*, to be paid by the Commissioners of the County who shall neglect to furnish the same; for which the said Commissioners shall have and receive, out of the County Stock, the Sum of *Half-a-Crown* for each List, and no more.

Sheriff to appoint Clerks;

their Qualification.

VIII. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful for the Sheriff of the respective Counties, or, in his Absence, any other Persons, who shall be Judges of the Election, to appoint two or more Clerks, as they shall think proper, each of whom shall be of the full Age of Twenty-one Years, and shall be duly sworn or affirmed by the Sheriff or Coroner, or some other Judge of the Election, *That he will truly and impartially write down the Name of each Township, Ward or District aforesaid, where each Voter shall reside at the Time of Voting, and also mark down the Number of Votes each Candidate may have, as their Names respectively shall be read unto him by the Inspectors, or other Judges of the Election.*

Lists of Taxables, &c. to be returned by the Sheriff to the Assembly, if required.

Penalty on Inspectors not giving their Attendance.

IX. *AND the better to enable the House of Representatives to judge of the Elections of their Members, if any Disputes should hereafter arise, and to secure to the Freemen of this Province their just Rights, Be it further enacted by the Authority aforesaid*, That every Sheriff or Coroner within this Province respectively, at the Time he is by Law enjoined to make Returns of the Members elected to serve as Representatives, shall also return to the House of Assembly, if required, all the Lists of Taxables, so as aforesaid delivered by the Commissioners to the Sheriff, and made use of by the Inspectors in ascertaining the Persons voting at the Election, together with the Lists and Tallies of their Clerks, under the Penalty of *Fifty Pounds*; which said Lists and Tallies the Inspectors and Clerks respectively shall deliver to the said Sheriff or Coroner undefaced, for that Purpose, under the Penalty of *Ten Pounds* each, to be recovered by any Person who will sue for the same. And if any of the Persons, elected and returned as Inspectors in any of the Townships, Wards or District aforesaid, within this Province, in the Manner herein before directed, shall neglect or refuse to give his Attendance, at the Time and Place of electing Members of Assembly, every such Person, so offending, shall forfeit and pay the Sum of *Ten Pounds*, to any Person who will sue for the same.

Inspectors to deliver their Boxes with the Votes, sealed up, to the Sheriff, &c.

X. *AND be it further enacted by the Authority aforesaid*, That the Inspectors of each Division shall, and they are hereby enjoined and required, after the Freemen of their respective Townships, Wards and District aforesaid, have finished voting, to deliver, bound with Tape, and sealed up, their Box, with the Votes or Tickets therein, to the Sheriff, Coroner, or other Judges of the said Election,

by

by them safely to be kept, until the whole Election be over, the Polls closed, and the Sheriff, Coroner, Inspectors, and other Judges of the said Election, proceed to read, count, and cast up the Votes.

XI. *AND be it further enacted by the Authority aforesaid*, That every Sheriff, Coroner, or other Judge of the Election, with the Inspectors chosen and returned as aforesaid, or a Majority of them, shall, and they are hereby required, in the Morning of the Day of the Election either for the said City or Counties respectively, and before they open or begin the same, to call to their Assistance at least Four reputable Freeholders, to be their Assistant-Judges at the same Election, and administer to the said Freeholders the following Oath or Affirmation; *That they, the said Assistant-Judges, shall and will duly attend the ensuing Election, during the Continuance thereof, and truly and faithfully assist the Sheriff, Coroner, Inspectors, or other Judges of the said Election, to prevent all Frauds and Deceits whatsoever, of Electors or others, in carrying on the same.* And after the Representatives, to serve in the General Assembly of this Province, are chosen, their Names shall be written in a Pair of Indentures, sealed between the said Sheriffs and the Freeholders, his Assistant-Judges of the said Election, and at least Six of the Inspectors then present.

Sheriff, &c.
before the
Election be-
gins, to call
Four reputa-
ble Freehold-
ers to their
Assistance,
&c.

XII. *AND* whereas the Place, appointed by Law for holding the annual Elections for the County and City of *Philadelphia*, has been found, on Experience, inconvenient and improper for those Purposes, *Be it therefore enacted by the Authority aforesaid*, That from and after the Publication of this Act, and during the Continuance thereof, the said Elections for the said County shall be held, on the Days by Law appointed for the same, in the State-House, in the City of *Philadelphia*, and in no other Place whatsoever, any Law, Usage or Custom, to the contrary notwithstanding. And that the Election for the City of *Philadelphia* shall be held on the Day, next following the Day on which the County Election shall be opened, unless the same shall happen to be upon a *Sunday*, then upon the Day next following, at the said State-house, or in or near the Court-house, as the Sheriff, and other Judges of the Election, shall think most convenient; and that the said City shall be divided into two Districts, by the Sheriff or Coroner, and the other Judges aforesaid, so called to his Assistance, and the Inspectors of the several Wards, in each District, shall receive the Votes of their respective Wards in Manner aforesaid.

Elections for
the County
and City of
Philadelphia,
to be held in
the State-
house, &c.

XIII. *PROVIDED* always, That nothing herein contained shall be deemed or taken to alter or make void the Act of General Assembly, made in the Fourth Year of the late Queen ANNE, nor the Act passed in the Nineteenth Year of his late Majesty's Reign, nor any Thing therein, or in either of them; but that every Clause, Article and Sentence in the said Acts, or either of them, contained, except what is hereby expressly altered or supplied, shall be and remain in full Force and Virtue.

Acts of 4th
ANNE, and
19th GEO. II.
still in Force,
unless here-
by altered or
supplied.

XIV. *AND be it further enacted by the Authority aforesaid*, That the Act of General Assembly of this Province, intituled, *An Act directing the Choice of Inspectors, and for holding the General Elections in the Counties of Lancaster, York, Cumberland, Berks and Northampton*, shall be, and is hereby declared to be repealed, null and void, to all Intents and Purposes.

Law for
Choice of
Inspectors for
Lancaster
County, &c.
repealed.

XV. *AND be it further enacted by the Authority aforesaid*, That this Act shall continue in Force for the Term of Seven Years, and from thence to the End of the next Sitting of Assembly, and no longer.

Limitation of
this Act.

Passed February 8, 1766.

C A P. IX.

A SUPPLEMENT to the Act, intituled, *A Supplement to the Act, intituled, An Act for erecting a Light-House at the Mouth of the Bay of Delaware, at or near Cape-Henlopen, for placing and fixing Buoys in the said Bay and River Delaware, and for appointing Commissioners to receive, collect and recover, certain Sums of Money, heretofore raised by Way of Lottery, and to appropriate the same to the Purposes aforesaid.*

Passed February 8, 1766.—Repealed by the Crown.

C A P.

C A P. X.

An ACT to repeal the Act, intituled, *An Act to enable the Inhabitants of the Borough of Lancaster, in the County of Lancaster, to raise Money on themselves, for supporting a Nightly Watch in the said Borough, and for other Purposes therein mentioned.*

Passed February 8, 1766.

C A P. XI.

An ACT for granting to his Majesty the Sum of *Four Thousand Pounds*, out of the Money now remaining in the Hands of the Provincial Treasurer.

Passed September 20, 1766.—Obsolete.

C A P. XII.

An ACT the better to enable the Persons therein named to hold Lands, and to invest them with the Privileges of natural born Subjects of this Province.

Passed September 20, 1766.—Recorded A, Vol. V. p. 177.

C A P. XIII.

A SUPPLEMENT to the Act, intituled, *An Act to enable certain Persons, therein named, to erect a Court-house at Easton, in the County of Northampton, and to levy a Tax on the Inhabitants of the said County, to defray the Expence thereof.*

Passed September 20, 1766.—Obsolete.

C A P. XIV.

A SUPPLEMENT to the Act, intituled, *An Act to prolong the Time limited for drawing the Lottery, instituted and directed to be drawn in and by Virtue of an Act, intituled, An Act for raising, by Way of Lottery, the Sum of Three Thousand and Three Pounds, Fifteen Shillings, to be applied to the Payment of the Arrears of Debt due for the finishing St. Peter's and St. Paul's Episcopal Churches, in the City of Philadelphia, &c.*

Passed September 20, 1766.—Obsolete.

C A P. XV.

An ACT to enable the Commissioners, herein after named, to settle the Accounts of the Managers, and to sue for and recover, from several Persons, such Sums of Money as are now due and unpaid, on Account of the Lottery set up and drawn for erecting a House of Worship at the Town of *Carlisle*, in the County of *Cumberland*, for the Use of the First Presbyterian Congregation, under the pastoral Care of *John Steel*, Minister.

Passed September 20, 1766.—Obsolete.

C A P. XVI.

A SUPPLEMENT to an Act, intituled, *An Act for granting to His Majesty the Sum of Fifty-five Thousand Pounds, and for striking the same in Bills of Credit, and for providing a Fund for sinking the said Bills of Credit, by a Tax on all Estates, real and personal, and Taxables, within this Province.*

Passed September 20, 1766.—Recorded A, Vol. V. p. 147.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Domini 1766, in the Sixth Year of the Reign of our Sovereign Lord GEORGE III. and continued by Adjournments to the Twenty-sixth Day of *September* following.

C A P. I.

An ACT to amend the Act, intituled, *An Act to prevent the Exportation of Bread and Flour not merchantable.*

WHEREAS by an Act of the General Assembly of this Province, passed ^{Preamble.} in the Seventh Year of his late Majesty GEORGE the Second, intituled, ^{7 GEO. II.} *An Act to prevent the Exportation of Bread and Flour not merchantable*, it is,

among other Things, enacted, that no Merchant, or other Person, shall lade or ship any Flour for Exportation out of this Province, before he, she or they shall first submit the same to the View and Examination of the Officers therein named; but the Method of trying and determining the Goodness and Fineness of the Flour, directed by the said Act, on any Dispute arising between the said Officers and Possessors of Flour, not being so well adapted to the Purpose intended as might be; therefore for amending the said Act in that and other Matters, which on Experience are found to be necessary, BE IT ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That from and after the Publication of this Act, no Merchant, or other Person whatsoever, shall lade or ship any Flour for Exportation out of this Province, before he, she or they shall first offer the same to the View and Examination of the Officer, or his Deputy, of the respective County, herein after named, from whence the said Flour is intended to be shipped, under the Penalty of *Five Shillings* for every Cask so shipped, who shall thereupon search and try every Cask of the same Flour, in the Manner by the said in Part recited Act is directed; and if on such Search the Flour shall be adjudged, by the Officer, or his Deputy, to be fit for Exportation, he shall brand the same, and be paid as directed and enjoined by the Act aforesaid; but if the Officer shall adjudge such Flour not to be merchantable, and unfit for Exportation, and the Possessor or Owner of the said Flour shall acquiesce under such Judgment, he shall, in such Case, pay to the said Officer *One Penny* for each Cask so found unfit for Exportation, and no more; and on his Refusal or Neglect to pay to the said Officer the *One Penny* per Cask as aforesaid, the Officer may recover the same, as Debts under *Forty Shillings* are recoverable, with Costs of Suit; and if the Possessor of any Flour shall ship, or offer to ship, the same for Exportation out of this Province, without being approved and branded as by the Act aforesaid is directed, the said Flour shall be forfeited, to be recovered by the said Officers respectively, in any Court of Record within this Province, with Costs of Suit, and, when recovered, shall be applied in the same Manner as other Forfeitures, by Virtue of the said recited Act, are directed to be applied.

Penalty on Persons shipping Flour for Exportation, before offering the same to the Examination of the Officer, &c.

II. *AND* be it enacted by the Authority aforesaid, That where any Dispute shall arise between any of the said Officers, or their Deputies, or any one of them, with the Owner or Possessor, concerning the Fineness or Goodness of such Flour,

Disputes between the Officers, &c. concerning Fineness or Goodness of Flour, &c. how to be decided.

or the Casks not being made of Timber well seasoned, then, upon Application made by the Owner or Possessor of such Flour to one of the Magistrates of the City or County where the Dispute arises, he shall issue his Warrant to three indifferent and judicious Persons, one of them to be named by the Owner or Possessor of such Flour, a second to be named by the Officer, and the third Person to be named by the said Magistrate, directing them, the Persons so named, to view and search the said Flour, and to make Report to him forthwith, according as they shall find the same; and that if they shall find the said Flour not merchantable, that they certify to the said Magistrate the Cause thereof, and whether it be that the said Flour wants due Fineness, is musty or sour, or the like; and if sour, whether such Sourness is occasioned by the Greenness of the Timber whereof the Casks are made, or by being brought in any open Boat, Shallop, or upon the Deck of any other Vessel, without a Tarpaulin or Cover, or for any other and what Cause; and the said Magistrate is hereby impowered and required to give Judgment, agreeable to the Report of the Persons so named, or to the Report of any two of them; and in case the said Flour, on such Report, is judged unfit to be exported, the Magistrate shall order it not to be exported, under the Penalty in the said Act mentioned, and shall also award the Owner or Possessor of such Flour to pay into the Hands of the said Officers *One Shilling* for every Cask, so judged not fit for Exportation, and no more, besides reasonable Costs; but in case the said Flour, on Trial, shall be found merchantable, the Officer shall be adjudged to pay all the Costs which shall accrue on every such Trial: *Provided always*, That if it shall appear, by any of the Reports of the Triers aforesaid, that the Flour is found unmerchantable by Fault of the Miller, Boulter, Shallopman, Flatman, Carter or Waggoner, that in every such Case the Owner of such Flour shall or may recover the Damages, which he or she shall sustain, against such Miller, Boulter, or the Owner or Master of any Shallop, Flat, Cart or Waggon, by Default of whom, or his or her Servant or Servants, such Flour shall be damaged, with full Costs of Suit.

Names of the Officers appointed by this Act.

III. *AND be it further enacted by the Authority aforesaid*, That *Thomas Prior*, the younger, of *Philadelphia*, shall be, and is hereby appointed, the Officer for viewing and examining all Flour shipped, or intended to be shipped, directly out of this Province from the City and County of *Philadelphia*; and that *John Priestly*, of *Bucks* County, shall be, and hereby is appointed, the Officer for viewing and examining all Flour shipped, or intended to be shipped, directly out of this Province from the County of *Bucks*; and that *Edward Russell*, of *Chester*, shall be, and is hereby appointed, the Officer for viewing and examining all Flour shipped, or intended to be shipped, directly out of this Province from the County of *Chester*; and if any or either of the said Officers hereby appointed, or hereafter to be appointed, shall happen to die, or shall, by any Accident, be rendered incapable, or shall knowingly suffer any Flour to be shipped for Exportation out of this Province, without trying every Cask thereof, as in the aforesaid Act is directed, or shall neglect to keep a sufficient Number of Deputies to assist him in the Execution of his Office, whereby the Possessor of such Flour shall suffer any Damage or Delay, or shall otherwise misbehave him or themselves therein, then, and so often, and from Time to Time, it shall and may be lawful to and for a Majority of the Justices of the Peace of the City of *Philadelphia*, or of the respective Counties aforesaid, and they are hereby enjoined and required, on the Conviction of the said Officer of any of the Crimes aforesaid, or on his Death, to nominate and appoint some other fit Person in his or their Place or Places, who shall thereupon be the Officer for putting this Act, and the Act herein before in Part recited, in Execution for the respective County, until the Assembly shall appoint another; the said Officers, so to be appointed, first taking the Qualification for the faithful and impartial Discharge of their respective Duties, as by the aforesaid Act is enjoined; and the said Officers herein named shall, and are enjoined, on their Qualifications aforesaid respectively, to account for and pay to the Overseers of the Poor, for the Use of the Poor of the Place where the Forfeitures shall happen, once in three Months, or oftener, if thereunto required, all such Sum or Sums of Money as shall, from Time to Time, arise from, or be paid by, the Owners or Possessors of such Flour, which shall so be adjudged not merchantable as aforesaid, deducting thereout *Six-pence* for every Cask, for the Trouble and Charges they shall respectively be at on the Trial of every such Case.

In case of Officers Death, &c. how others are to be appointed, &c.

IV. *AND*

IV. *AND be it further enacted by the Authority aforesaid*, That the Officers aforesaid shall continue in their respective Offices, from the Publication of this Act, for the Space of Four Years, and from thence until the End of the next Sitting of Assembly, and no longer, except they shall be re-appointed by the Assembly. Term of the Officers Continuance.

V. *AND be it further enacted by the Authority aforesaid*, That so much of the Act before mentioned, intituled, *An Act to prevent the Exportation of Bread and Flour not merchantable*, as is hereby altered and supplied, shall be and is hereby repealed, and declared null and void; but that all other Clauses, Matters and Things, in the said Act contained, shall be, and are hereby declared to be, in full Force and Virtue, as fully, to all Intents, Purposes and Constructions, as if this present Act had not been made.

VI. *AND be it further enacted by the Authority aforesaid*, That this Act shall continue in Force for the Term of Seven Years, and from thence to the End of the next Sitting of Assembly, and no longer. Limitation of this Act.

Passed February 21, 1767.

C A P. II.

An ACT to enable the Owners and Possessors of the *Moyamensing Meadows*, in the County of *Philadelphia*, to keep the Banks, Dams, Sluices and Floodgates in Repair, and to raise a Fund to defray the Expences thereof.

Passed February 21, 1767.—Recorded A, Vol. V. p. 173.

C A P. III.

An ACT for the Relief of *Thomas Reilly*, and *John Whitpane*, languishing Prisoners in the Goal of *Philadelphia*, with respect to the Imprisonment of their Persons.

Passed February 21, 1767.

C A P. IV.

An ACT to enable the Commissioners, therein after named, to settle the Accounts of the Managers, and to sue for and recover, from several Persons, their Executors, Administrators and Assigns, such Sums of Money as are now due and unpaid, on Account of the Lottery set up and drawn for erecting a House of Worship in the Borough of *Lancaster*, for the Use of the Presbyterian Congregation in and about the said Borough.

Passed February 21, 1767.

C A P. V.

An ACT for amending the Act, intituled, *An Act for the better Employment, Relief and Support of the Poor, within the City of Philadelphia, the District of Southwark, the Townships of Moyamensing and Passyunk, and the Northern Liberties.*

WHEREAS it has been represented to the Assembly, by the Managers of the Contributions for the Relief and Employment of the Poor in the City of *Philadelphia*, that, in Pursuance of the Powers and Authorities vested in them by the Act, intituled, *An Act for the better Employment, Relief and Support of the Poor, &c.* they had procured several Lots of Ground, Part thereof by Purchase, and the Rest by the Donation of the Honourable the Proprietaries, and thereon have in Part erected such Buildings, as are immediately necessary to accommodate the several Kinds of Poor, intended to be relieved and provided for by the said Act; that in the Purchase and Buildings aforesaid the Sum of *Three Thousand Pounds*, and upwards, raised by Contribution, the Sum of *Two Thousand Pounds*, borrowed by Mortgage on the Alms-House Lot, agreeable to the Directions of the said Act, with a further Sum of *Seven Hundred and Fifty Pounds*, lent by the Mayor and Commonalty of the City of *Philadelphia*, have been all expended, and the said Managers are now involved in a heavy Debt, over and above the said Sum of Money so expended on the Building and Purchase aforesaid, without the Means of discharging the same, or of compleating and finishing the said Buildings, unless they are invested with Power to sell and dispose

dispose of the said Alms-House Lot of Ground, with the Buildings thereon erected; and that, to enable them fully to comply with the good Intent and Design of the said recited Act, it will be necessary to invest them, by Law, with Power to borrow the further Sum of *Six Thousand Pounds*, on the Credit of the said last mentioned Lot of Ground and Buildings, and on such other Security as shall be directed by the Legislature; BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That it shall and may be lawful to and for the said Managers to borrow from any Person and Persons, Bodies Politic or Corporate, who shall be willing to lend, any Sum or Sums of Money, not exceeding in the whole *Six Thousand Pounds*, to be applied towards the Payment of the Debts already contracted, due and owing, or hereafter to be contracted by the said Managers, for the Uses and Purposes aforesaid; and that every Lender shall immediately receive a Certificate in Writing, under the Seal of the said Corporation of Contributors, to be signed by the said Managers, or a Majority of them, for the Payment of the Sum lent, with the Interest agreed on, not exceeding *Six per Cent. per Annum*, which Certificate shall be registered in a Book to be kept for that Purpose, and the Interest Money thereon accruing shall be paid by the said Corporation every Year.

Managers
impowered
to borrow a
Sum of Mo-
ney, not ex-
ceeding
£ 6000, &c.

Lenders may
transfer their
Certificates,
&c.

II. *AND be it further enacted by the Authority aforesaid*, That all and every Lender or Lenders, his, her or their Executors, Administrators or Successors, may assign and transfer his, her or their Certificate, with all his, her or their Right or Interest therein, by an Indorsement thereon, to any other Person or Persons, and such Assignee may in like Manner assign again, and so *toties quoties*, and afterwards it shall not be in the Power of the Person so assigning to make void, release or discharge the said Certificate.

Mayor, &c.
to convey the
Alms-house
Lot to the
Corporation
of Contribu-
tors;

III. *AND in order to secure to the said Lenders the respective Sums of Money so lent, with the Interest thereof, Be it further enacted by the Authority aforesaid*, That it shall and may be lawful for the Mayor and Commonalty of the City of *Philadelphia*, by and with the Advice and Consent of the Assessors of the said City for the Time being, to be signified by their, or a Majority of their Names subscribed, as Witnesses to the Deed, and they are hereby enjoined and required, to grant and convey the said Alms-house Lot, with the Buildings thereon erected, to the said Corporation of Contributors, &c. in Fee; and that it shall and may be lawful for the said Managers of the said last mentioned Corporation, and their Successors, or a Majority of them, to grant, bargain, sell or dispose of, or to lett on Groundrent, as to them shall seem most advantageous, the said Lot, with the Buildings thereon erected, or any Part or Parts thereof, to be divided into such and so many Lots as they shall think convenient, to any Person or Persons who shall be willing to purchase the same, and to his, her and their Heirs and Assigns for ever, for the greatest Price, or Sum or Sums of Money, that can be procured for the same, and afterwards in like Manner to sell and dispose of such Groundrents; and, upon Receipt of the said Money, to pay and discharge all such Sums as have been lent on the Credit of the said Lot and Buildings last mentioned, and all such Sums as shall be borrowed on Certificate by Virtue of this Act, with the said Sum of *Seven Hundred and Fifty Pounds*, borrowed of the Mayor and Commonalty of the City of *Philadelphia*, and to appropriate and apply the Remainder, if any, towards finishing and compleating the said House of Employment, and paying for the Ground thereunto belonging; and in case the said Sums of Money so arising from the said Sale, with the Contributions aforesaid, shall not be sufficient to answer all the Purposes aforesaid, that such Deficiency shall be paid and satisfied by a just and proportionable Rate or Tax, to be laid, assessed and levied, on all Estates, real and personal, within the City of *Philadelphia*, District of *Southwark*, the Townships of *Moyamensing* and *Passyunk*, and the *Northern Liberties*, by the same Persons, and under the same Penalties, to be recovered in the same Manner, and in the same Proportion, in the said City, District and Townships respectively, as the Sums to be raised for the Relief of the

who may sell,
or lett the
same on
Groundrent.

How the Mo-
ney is to be
appropriated.

Deficiency to
be supplied
by a Tax,
&c.

Poor

Poor, are or shall be at the Time laid, assessed and levied, and, when so levied, to be paid to the Treasurer of the said Contributors, to be by the said Managers applied to the Discharge of the said Loans; and that the Mayor, Recorder, and any two Aldermen of the said City, and three Justices of the County of *Philadelphia*, upon such Insufficiency appearing to them from the Accounts of the said Managers, which shall be laid before them for that Purpose, shall forthwith certify the same to the Overseers of the Poor of the said City, District and Townships respectively, in Writing, under their Hands, in order that the said Deficiency may be laid, assessed and levied, in Manner aforesaid.

IV. SAVING always to all and every Person or Persons, Bodies Politic and Corporate, their Heirs, Successors, Executors, Administrators and Assigns (other than the said Mayor and Commonalty of the City of *Philadelphia*, and the Contributors to the said House of Employment) all such Estates, Rights, Claims or Demands, as they, or any of them, were or would have been intitled unto, in case this Act had never been made.

V. AND whereas great Numbers of Rogues, Vagabonds, and other idle and dissolute Persons, frequently come into the said City, District and Townships, and there take up their Abode, without following any Labour, Trade or Business, or having any visible Means of Subsistence, and are not only dangerous Members of Society, but in the End become burthensome to the Public; *Be it therefore enacted by the Authority aforesaid*, That it shall and may be lawful for any Justice of the Peace of the City or County aforesaid to apprehend, and, upon due Examination and Proof, commit to the said House of Employment all Rogues, Vagabonds, and other idle, dissolute and disorderly Persons, found loitering or residing in the said City, District or Townships aforesaid, who follow no Labour, Trade, Occupation or Business, and have no visible Means of Subsistence, whereby to acquire an honest Livelihood, there to be kept at hard Labour, for any Term not exceeding one Month; and the said Managers are required to receive such Persons, and employ them according to the Tenor of such Commitments.

Rogues, Vagabonds, &c. having no visible Means of Subsistence, to be committed to the House of Employment, and kept at hard Labour, &c.

VI. *AND be it further enacted by the Authority aforesaid*, That so much of the said recited Act of Assembly, as is hereby altered and supplied, shall be, and is hereby declared to be, repealed, null and void, and that the Residue thereof shall be, and is hereby declared to be, in full Force and Virtue, to all Intents and Purposes, as if this Act had not been made.

Passed February 21, 1767.

C A P. VI.

An ACT to regulate the Fishery in the River *Schuylkill*.

Passed February 21, 1767.

C A P. VII.

An ACT for amending the Act, intituled, *A Supplement to the Act, intituled, A Supplement to the Act, intituled, An Act for regulating, pitching, paving and cleansing the Highways, Streets, Lanes and Alleys, and for regulating, making and amending the Water Courses and Common Sewers, within the inhabited and settled Parts of the City of Philadelphia, and for raising Money to defray the Expence thereof.*

Passed February 21, 1767.—Repealed and supplied by 9 GEO. III.

C A P. VIII.

An ACT to prevent the Mischiefs arising from the Increase of Vagabonds, and other idle and disorderly Persons, within this Province.

WHEREAS the Number of Rogues, Vagabonds, and other idle and disorderly Persons, daily increases in this Province, to the great Loss and Annoyance of the Inhabitants thereof; For Remedy whereof, BE IT ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-*

Preamble.

What Sort of
Persons to be
deemed idle
and disorder-
ly, &c.

Castle, Kent and Suffex, upon Delaware, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Persons who shall unlawfully return to such City, Township or Place, from whence they have been legally removed, by Order of two Justices of the Peace, without bringing a Certificate from the City, Township or Place to which they belong; and all Persons who, not having wherewith to maintain themselves and their Families, live idly, and without Employment, and refuse to work for the usual and common Wages given to other Labourers in the like Work in the City, Township or Place where they then are; and all Persons going about from Door to Door, or placing themselves in Streets, Highways, or other Roads, to beg, or gather Alms in the City, Township or Place where they dwell, and all other Persons wandering abroad and begging; and all Persons who shall come from the neighbouring Colonies, or any of them, into any Township or Place within this Province, and shall be found loitering or residing therein, and shall follow no Labour, Trade, Occupation or Business, and have no visible Means of Subsistence, and can give no reasonable Account of themselves, or their Business in such Township or Place, shall be deemed, and are hereby declared to be, idle and disorderly Persons, and liable to the Penalties hereby imposed; and that it shall and may be lawful for any Justice of the Peace of the County, where such idle and disorderly Persons shall be found, to commit such Offenders (being thereof legally convicted before him, on his own View, or by the Confession of such Offenders, or by the Oath or Affirmation of one or more credible Witnesses or Witnesses) to the Work-house of the said County, if such there be, otherwise to the common Goal of the County, there to be kept at hard Labour, by the Keeper of such Work-House or Goal, for any Time not exceeding one Month.

Penalty on
Constable's
neglecting to
apprehend
Offenders
against this
Act, &c.

II. *AND be it further enacted by the Authority aforesaid, That if any Persons shall be found offending in any Township or Place against this Act, it shall and may be lawful for any Constable of such Township or Place, and he is hereby enjoined and required, on Notice thereof given him by any of the Inhabitants thereof, to apprehend and convey, or cause to be conveyed, such Person so offending to a Justice of the Peace of the County, who shall examine and try such Offenders, and on such Confession or Proof, shall commit them to the Work-House or Goal of the County, there to be kept at hard Labour, during the Term aforesaid; and if any Constable, after such Notice given as aforesaid, shall refuse or neglect to use his best Endeavours to apprehend and convey such Offenders before the Justice of the Peace aforesaid, being thereof legally convicted before such Justice of the Peace, every such Constable shall forfeit and pay to the Overseers of the Poor of the Township or Place where such Offence shall be committed, to the Use of the Poor thereof, the Sum of *Ten Shillings*, to be levied by Distress and Sale of the Offender's Goods, by Warrant from such Justice, and the Overplus, if any, after the Charge of Prosecution and of such Distress shall be satisfied, shall be returned to such Offender.*

Persons ag-
grieved may
appeal, &c.

III. *AND be it further enacted by the Authority aforesaid, That any Person or Persons who shall conceive him, her or themselves aggrieved, by any Act, Judgment or Determination, of any Justice or Justices of the Peace out of Sessions, in and concerning the Execution of this Act, may appeal to the next General Quarter Sessions of the City or County, giving reasonable Notice thereof, whose Orders thereupon shall be final.*

Presentment
being made
to the Gene-
ral Quarter
Sessions in
any County,
of the Want
of a Work-
House, &c.
Manner of
proceeding
thereon.

IV. *AND be it further enacted by the Authority aforesaid, That upon the Presentment of any Grand Jury, at any Court of General Quarter Sessions of the Peace in and for any County of this Province, that there is no Work-House, and that it will be for the Benefit and common Good of the same County to erect or provide such House, or that the Work-House already provided is not sufficient, and requires Repairs, or an Alteration or Enlargement, then, if the Justices of the Peace, in their Sessions, shall approve of the same, the Commissioners and Assessors of the County aforesaid, if they unite in Judgment with the said Justices, and Grand Jury, shall have full Power and Authority to build, erect, add to, or enlarge, one convenient Work-House, and to purchase a Lot or Lots for the building such House on; and, for defraying the Expence, Charge and Costs thereof, shall lay, assess and levy, such further and other Rate or Rates, Assessment or*

Assessments,

Assessments, on all Estates, real and personal, within their County, as shall or may be sufficient for the Purposes aforesaid, in the same Manner, and to be collected in the same Manner, by the same Persons, and under the same Penalties, as is or are enjoined and directed in the laying, assessing, levying and recovering the County Rates, by the Act of General Assembly of this Province, intituled, *An Act for raising County Rates and Levies.*

V. *AND be it further enacted by the Authority aforesaid,* That the said Justices in their General Quarter Sessions shall, as often as there may be Occasion, nominate and appoint some capable, discreet and prudent Person, to be the Keeper of such Work-House, who shall, at the Expence of the County, provide, furnish and supply such sufficient Implements, Materials and Furniture, for keeping, setting to Work, employing and correcting all idle and disorderly Persons, Rogues and Vagabonds, who shall be legally committed to the said House, as the said Justices and Commissioners shall direct; which said Expence, together with such Sum of Money as shall be allowed the said Keeper, for his Labour and Trouble in his said Office, by the Justices and Commissioners aforesaid, shall be paid out of the County Stock, and shall be laid, raised, levied and recovered, in the same Manner as, by the said recited Act, other County Rates and Levies are enjoined and directed to be laid, levied and recovered; and that all Materials so found and provided, and worked up in the said House, shall be the Property of the County, and shall be sold by such Keeper, in such Manner as the said Justices and Commissioners shall direct and appoint; and all the Proceeds thereof, after deducting the Sum or Sums expended in the Support and Victualling such Persons so committed, agreeable to the Order and Directions of the said Justices and Commissioners, if any, shall be paid by such Keeper unto the County Treasurer, there to remain liable to the Draughts of the County Commissioners aforesaid, for the Payment of the County Debts; and that two of the said Justices, or any such two of them as shall be appointed at the General Quarter Sessions of the Peace, with one or more of the said Commissioners, shall, four Times, or oftener, if Need be, in every Year, visit the said Work-House, and examine into the State and Management thereof, and report the same to the next General Quarter Sessions aforesaid, to the Intent that if any Thing be amiss, or not properly conducted, the same may, by Order of the said Sessions, and the County Commissioners aforesaid, be reformed and amended.

Justices in Quarter Sessions to appoint a Keeper of the Work-House, &c.

VI. *PROVIDED always nevertheless,* That nothing in this Act contained shall be deemed, taken or construed, to extend to the apprehending, Trial and Commitment of any Rogues, Vagabonds, or other idle, dissolute and disorderly Persons, found loitering or residing in the City of *Philadelphia*, District of *Southwark*, or Townships of *Moyamensing* and *Passyunk*, and the *Northern Liberties*, mentioned in the Act, intituled, *An Act for the better Employment, Relief and Support of the Poor, within the City of Philadelphia, the District of Southwark, the Townships of Moyamensing and Passyunk, and the Northern Liberties*, any Thing in this Act contained to the contrary thereof in any wise notwithstanding.

Nothing in this Act to extend to the Commitment of Rogues, &c. in the City of Philadelphia, &c.

Passed February 21, 1767.

C A P. IX.

An ACT to prevent Inconveniences arising from Delays of Causes, after Issue joined.

WHEREAS many great Inconveniences have arisen to the Inhabitants of this Province, by Means of delaying the Trials of Causes between Party and Party, after Issue joined; For Remedy whereof, BE IT ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That where any Issue is or shall be joined in any Action or Suit at Law, in any of the Courts of this Province, and the Plaintiff or Plaintiffs, in any such Action or Suit, hath or have neglected, or shall neglect, to bring such

Preamble.

Where Issue is joined, and Plaintiffs neglect to such

bring the
same on to
be tried,
Judges may
give Judg-
ment, &c.

such Issue on to be tried, according to the Course and Practice of the said Courts respectively, it shall and may be lawful for the Judges or Justices of the said Courts respectively, at any Time after such Neglect, upon Motion made in open Court, due Notice having been given thereof, in open Court, the preceding Term, to give the like Judgment for the Defendant or Defendants, in every such Action or Suit, as in Cases of Non-suit, unless the said Judges shall, upon just Cause, and reasonable Terms, allow any further Time or Times for the Trial of such Issue; and if the Plaintiff or Plaintiffs shall neglect to try such Issue within the Time or Times so allowed, then, and in every such Case, the said Judges or Justices shall proceed to give such Judgment as aforesaid.

Force and
Effect of such
Judgment.

II. *PROVIDED always, and be it enacted by the Authority aforesaid, That* all Judgments, given by Virtue of this Act, shall be of the like Force and Effect as Judgments upon Non-suit, and of no other Force or Effect.

Defendants
Award.

III. *PROVIDED also, That* the Defendant or Defendants shall, upon such Judgment, be awarded his, her or their Costs, in any Action or Suit, where he, she or they, would, upon Non-suit, be intitled to the same, and in no other Action or Suit whatsoever.

Passed February 21, 1767.

C A P. X.

A SUPPLEMENT to the Act, intituled, *An Act for the Advancement of Justice, and more certain Administration thereof.*

Preamble.

WHEREAS in and by the Act, passed in the Fourth Year of his Majesty GEORGE the First, intituled, *An Act for the Advancement of Justice, and more certain Administration thereof*, it is enacted, That if any Person or Persons shall be convicted of maliciously and voluntarily burning the Dwelling-house, Barn, Stable or Out-house of another, having Corn or Hay therein, he or they so offending, within this Province, shall suffer Death; but inasmuch as the said Offenders are, under the said Act, intituled on Prayer to the Benefit of Clergy, many evil-minded Persons have not been deterred by the said Provision from the Perpetration of the said dangerous and heinous Offence; BE IT THEREFORE DECLARED AND ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle, Kent and Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Person or Persons, from and after the Publication of this Act, shall maliciously and voluntarily burn the Dwelling-house, or any other House, Barn or Stable, adjoining thereto, or any Barn or Out-house, having Corn or Hay therein, although the same shall not be adjoining to such Dwelling-house, belonging to any other Person or Persons, and shall be thereof legally convicted, every such Person and Persons shall suffer Death, without Benefit of Clergy, any Thing in the said recited Act to the contrary in any wise notwithstanding.

Persons con-
victed of ma-
liciously
burning any
House, Barn,
&c. to suffer
Death, with-
out Benefit of
Clergy.

Persons con-
victed of
counterfeit-
ing Gold or
Silver Coin,
to suffer
Death, with-
out Benefit of
Clergy.

Penalty on
Persons ten-
dering coun-
terfeit Gold
or Silver
Coin in Pay-
ment, know-
ing it to be
such, &c.

II. *AND be it further enacted by the Authority aforesaid, That* if any Person or Persons within this Province, after the Publication of this Act, shall falsely forge and counterfeit any Coin of Gold or Silver, which now is or shall be passing, or in Circulation in this Province, every such Person or Persons so offending, and being thereof lawfully convicted, shall suffer Death without the Benefit of Clergy; and every Person or Persons who shall pay, or tender in Payment, any such forged and counterfeited Coin of Gold or Silver, knowing the same to be so forged and counterfeited, and being thereof legally convicted in any Court of Record in this Province, such Person or Persons shall be sentenced to the Pillory, for the Space of one Hour, and to have both his or her Ears cut off, and nailed to the Pillory, and be publicly whipped, on his or her bare Back, with Twenty-one Lashes, well laid on; and moreover, every such Offender shall forfeit the Sum of *One Hundred Pounds*, lawful Money of this Province, one Half to the Use of the Governor, and the other Half to the Discoverer, with Costs and Charges of Prosecution.

III. *AND*

III. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons, after the Publication of this Act, shall feloniously take and carry away any Horse, Mare or Gelding, the Property of any other Person or Persons whatsoever, and shall be thereof legally convicted, every such Person or Persons shall, for the first Offence, restore the said Horse, Mare or Gelding, to the Owner or Owners, or pay him, her or them, the full Value thereof, and also shall pay the Costs of Prosecution, with all such other Sums of Money as the Court shall allow to such Owner or Owners, for his, her or their Loss of Time, Charges and Disbursements, in the apprehending and prosecuting such Offender or Offenders; and shall also pay to the Governor of this Province, for the Support of the Government thereof, the like Value of the Horse, Mare or Gelding, and shall stand in the Pillory during the Space of one Hour, and be publicly whipped on his, her or their bare Backs, with Thirty-nine Lashes, well laid on, and be committed to the Work-House or Goal of the City or County, where such Offender shall be convicted, for and during any Space of Time not exceeding six Months; and if any Person or Persons shall be guilty of the like Offence a second Time, and be thereof lawfully convicted, every such Person or Persons so offending shall, for every such second and other Offence, restore the Property so stolen, or pay the Value thereof to the Owner or Owners as aforesaid, and shall pay the Costs of Prosecution, and such other Sums of Money as the Court shall allow to such Owners, for their Loss of Time and Charges as aforesaid; and shall also pay to the Governor of this Province, for the Support of Government, the like Value of the Horse, Mare or Gelding, so stolen as aforesaid, and shall be publicly whipped with Thirty-nine Lashes, on his or her bare Back, well laid on, at the public Whipping-post, stand in the Pillory during the Space of one Hour, and be committed to the Work-House or Goal of the City or County, where such Offender shall be convicted, there to be kept at hard Labour during any Space of Time, not exceeding three Years.

Punishment to be inflicted on Persons convicted of Horse-stealing, &c.

IV. *AND be it further enacted by the Authority aforesaid*, That every Person or Persons who shall receive or buy of any such Felon or Felons any Horse, Mare or Gelding, knowing the same to be stolen, and being thereof legally convicted, shall, for the first and every other Offence, be adjudged to suffer all and every the Pains, Penalties and Forfeitures, which by this Act are imposed, and directed to be inflicted, upon the Principal for such Offences respectively, on his or her Conviction as aforesaid.

Penalty on Persons receiving stolen Horses, knowing them to be such.

V. *AND be it further enacted by the Authority aforesaid*, That so much of the said Act of General Assembly of this Province, intituled, *An Act for the Advancement of Justice, and more certain Administration thereof*, as is herein and hereby altered and supplied, be, and the same is hereby repealed, and made null and void.

Passed February 21, 1767.

C A P. XI.

An ACT to appoint certain Persons, therein named, Supervisors and Directors of the Road and Bridge over *Hollanders Creek*, leading to the West District of *Greenwich Island*, and to enable them to lay such Rates and Assessments, from Time to Time, on all Lands in the said District, accommodated by the Road and Bridge aforesaid, as may be found necessary for supporting, maintaining, and keeping the same in good Repair.

Passed February 21, 1767.—Recorded A, Vol. V. p. 169.

C A P. XII.

An ACT for raising the Sum of *Twenty Thousand Pounds*, for the Support of the Government of this Province, and Payment of the public Debts.

Passed May 20, 1767.—Recorded A, Vol. V. p. 194.

C A P. XIII.

An ACT to amend the Act, intituled, *An Act for establishing Courts of Judicature within this Province.*

Preamble.
8 Geo. I.
Cap. 8.

WHEREAS it has been found inconvenient for the Judges of the Supreme Court of this Province to ride the Circuit, and to try the Issues joined in the said Court, in Causes removed from the respective Counties of *Chester* and *Bucks*, on the Days and Times appointed for that Purpose, in and by the Act of General Assembly of this Province, passed in the Eighth Year of his Majesty GEORGE the First, intituled, *An Act for establishing Courts of Judicature within this Province*, whereby a Practice has been introduced of trying all Issues in Fact, joined in Causes which have been removed from the several Counties thereof, into the said Court, at the City of *Philadelphia*, which has often obliged the Parties, Jurymen and Witnesses, to attend from the most remote Parts of the Province at the said City, to their very great and unnecessary Expence and Aggrievance: For Remedy whereof, We, the Representatives of the Freemen of the Province of *Pennsylvania*, do pray that it may be enacted, **AND BE IT ENACTED** by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Suffex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That so much of the said recited Act of General Assembly, as relates to the Governor's appointing and commissionating three Supreme Judges only, and to the Nomination and Appointment of the Days and Times for riding to and holding the Circuit and *Nisi Prius* Courts in the said Counties of *Chester* and *Bucks* respectively, shall be, and is hereby declared to be repealed, null and void; and that there shall be four Persons of known Integrity and Ability commissionated by the Governor of this Province for the Time being, by several distinct Patents or Commissions, under the Great Seal of this Province, to be Judges of the Supreme Court, one of whom shall be distinguished in his Commission by the Name of the Chief Justice; and every of the said Judges shall have all the Powers, Rights, Authorities, Jurisdictions and Privileges, as are given to the Supreme Judges by the above-recited Act of Assembly; and that the said Judges of the Supreme Court of this Province shall, and they are hereby enjoined, if Occasion require, to go the Circuit twice in every Year, into the several Counties within this Province, on such Days and Times as they shall nominate and appoint; when and where they, or any one of them, shall try all such Issues in Fact, as shall be depending in the said Court, and removed out of any of the Counties; and generally do, execute and perform, all and every such Acts, Matters and Things, and exercise, use and put in Practice all such Powers, Authorities, Jurisdictions and Privileges, as are enjoined and required of them, or given and granted unto them, in and by the said recited Act of General Assembly.

Repeal of
Parts of a
former Law.

Four Judges
of the Supreme Court
to be commissionated
by the Governor,
who shall
have all the Powers given
by a former
Law; and
shall ride
the Circuit
twice in
every Year,
if Occasion
require.

Expences of
the Judges
how to be
paid.

II. *AND be it enacted by the Authority aforesaid*, That the Charges and Expences of the Judges and Clerk of the said Supreme Court, with their Servants, in their said Circuit, shall be paid in Manner following; that is to say, all such Expences as shall happen in their Circuit through any of the Counties, where they shall not hold their said Court, shall be paid by the Province; and that all such Expences which shall accrue from the Time of their coming into, and during their Continuance in the County, where they shall hold their said Court, by the Treasurer of the same County, out of the County Stock. And that they the said Judges and Clerk, with their Servants, shall pass and repass, and shall be conveyed by the Ferry-men over all the several Ferries within this Province, without paying any Ferriage, Fee or Reward for the same.

No Causes
to be removed
of less
Value than
£ 50.

III. *PROVIDED always nevertheless*, That if, after the Publication of this Act, any Plaintiff or Defendant in any Cause, depending in any County Court of Common Pleas, shall remove any such Cause into the Supreme Court aforesaid, the Debt or Damages whereof, which shall be found due by Default, Confession, Verdict, or Report of Referrees, shall not amount to the Sum of

Fifty

Fifty Pounds, lawful Money of this Province, every such Person so removing such Cause, if a Plaintiff, shall not recover any Costs of Suit; or if a Defendant, he shall pay double Costs, to be awarded by the said Supreme Court.

IV. *PROVIDED also, and be it further enacted by the Authority aforesaid*, That nothing herein contained shall be deemed, construed or understood, to prevent the removing any Action of Debt for Rent, Replevin, Ejectment, Trespass, or any other Plaint or Suit wherein the Title to Lands, or any other real Estate, may come in Question.

V. *AND be it enacted by the Authority aforesaid*, That it shall not be lawful for any Person or Persons, their Heirs, Executors or Administrators, to appeal from the final Sentence or Judgment of the said Supreme Court, awarded in any Action or Suit wherein a general Verdict shall be given, or in any other Case, but where there shall be a Demurrer to Evidence, or Bill of Exceptions, or where a Writ of Error may legally be brought, and that upon Prayer or Petition made or exhibited to the said Court for such Appeal, after such general Verdict or final Sentence or Judgment thereon, the said Supreme Court shall enter a Disallowance of such Appeal, and proceed in the same Manner as if none such had been moved or petitioned for, any Thing in the said recited Act of General Assembly to the contrary thereof notwithstanding.

No Appeal to be allowed on a general Verdict, from the Supreme Court to his Majesty in Council.

VI. *AND in order to compel the due Attendance of Jurymen on the said Circuit and Nisi Prius Courts, and all other the Courts within this Province, Be it enacted by the Authority aforesaid*, That if any Person shall, after the Publication of this Act, be duly summoned to attend any Court of Judicature within this Province, to serve on a Jury, or on any Inquest required by Law, and shall neglect or refuse to give his Attendance on the Day, and during the Time his Service is necessary, every such Person, so offending, shall be fined for every such Offence in the Supreme Court, and Court of Oyer and Terminer, by the Judges or Justices thereof, any Sum not exceeding *Three Pounds*; and for every such Offence in the County Court of Common Pleas, or Court of Quarter Sessions of the Peace for any County or City in this Province, by the Judges or Justices thereof, any Sum not exceeding *Forty Shillings*, unless such Delinquent shall, at the same or next succeeding Court, render to the Judges or Justices thereof a reasonable Excuse for such Neglect or Refusal, to be allowed by such of them as shall be present, which said Justices are hereby impowered and required, on Failure of such Delinquent to render such reasonable Excuse, to issue a Writ to the Sheriff of the County, to levy the said Fines on the Goods and Chattels of every such Delinquent, to be paid to the Overseers of the Poor of the City, Borough or Township, where he shall reside, to the Use of the Poor thereof.

Penalty on Jurymen for Non-attendance.

Passed May 20, 1767.

C A P. XIV.

An ACT for appointing Wardens for the Port of *Philadelphia*, and for the better regulating Pilots plying in the River and Bay of *Delaware*, and Price of Pilotage to and from the said Port.

Passed May 20, 1767.—Expired.

C A P. XV.

An ACT to amend the Act, intituled, *An Act to prevent the Exportation of bad and unmerchable Staves, Heading, Boards and Timber*.

WHEREAS the Act of General Assembly of this Province, intituled, *An Act to prevent the Exportation of bad and unmerchable Staves, Heading, Boards and Timber*, has, in sundry Respects, been found, on Experience, to require further Additions and Amendments, in order to preserve the Credit of those Commodities at foreign Markets, BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle, Kent and Suffex*,

Preamble.

No Staves,
 &c. to be
 shipped, be-
 fore submit-
 ted to the Ex-
 amination of
 the Officer;

within Forty-
 eight Hours
 before lad-
 ing.

Penalty on
 mixing Cul-
 lings with
 merchanta-
 ble Staves,
 &c.

Deputies to
 make Return
 to their Prin-
 cipal.

Penalties
 how to be
 recovered.

Repeal of a
 former Law.

Suffex, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Merchant, or other Person or Persons whatsoever, shall, from and after the Publication of this Act, lade or put on board any Ship or Vessel, any Staves, Heading, Boards, Plank or Timber, for Exportation out of this Province, before he, she or they shall first submit the same to the Examination of the Officer, or one of his Deputies, appointed, or to be appointed, in Pursuance of the Direction of the said recited Act, for culling of Staves and Heading, and that at, or as near as conveniently may be to, the Time of such lading or putting the same on board, provided such Examination be had and made within Forty-eight Hours before the actual lading and shipping thereof. And if any Merchant or Merchants, or any other Person or Persons whatsoever, shall offend in the Premises, he, she or they shall be liable to the same Pains, Penalties and Forfeitures, as are directed to be imposed for shipping of unmerchantable Staves and Heading by the said recited Act.

II. *AND be it further enacted by the Authority aforesaid*, That if any Exporter of Staves or Heading shall, after the same have been culled, and by the said Officer, or his Deputy, adjudged merchantable, willingly or wittingly mix any Cullings or unmerchantable Staves or Heading therewith, or suffer the same to be done, every such Offender or Offenders shall forfeit and pay, for every Culling or unmerchantable Stave or Heading so mixed, as aforesaid, the Sum of *Three-pence*.

III. *AND be it further enacted by the Authority aforesaid*, That all and every such Deputy or Deputies shall, within six Hours after he or they shall have culled and counted any Quantity of Staves or Heading, make Return to his or their Principal aforesaid, a true and exact Account of his or their Transactions therein, under the Penalty of *One Shilling* for every Hour he shall neglect or refuse so to do, in order that such Transactions may be regularly entered in the Book, directed by the before-recited Law to be kept by the principal Officer aforesaid.

IV. *AND be it further enacted by the Authority aforesaid*, That the Penalties and Forfeitures imposed by this Act, shall be recovered, applied and appropriated, in the same Manner as the Penalties and Forfeitures, inflicted by the said recited Act, are directed to be recovered, applied and appropriated.

V. *AND be it further enacted by the Authority aforesaid*, That the Act of General Assembly of this Province, passed in the first Year of the Reign of his present Majesty, intituled, *A Supplement to an Act, intituled, An Act to prevent the Exportation of bad and unmerchantable Staves, Heading, Boards and Timber*, be and is hereby repealed, and declared null and void.

Passed May 20, 1767.

C A P. XVI.

An ACT for confirming the Estate of *Philip Fox*, in certain Lands mortgaged in the General Loan-Office, some of the Title Deeds whereof, there deposited, are lost.

Passed May 20, 1767.—Recorded A, Vol. V. p. 201.

C A P. XVII.

An ACT to enable the Owners and Possessors of *League-Island*, to keep the Bank, Dams and Sluices, in good Repair for ever, and to raise a Fund to defray the Expence thereof.

Passed May 20, 1767.—Recorded A, Vol. V. p. 179.

C A P. XVIII.

An ACT for raising, by Way of Lottery, the Sum of *Four Hundred and Ninety-nine Pounds, Nineteen Shillings*, to be applied to the Payment of the Arrears of Debt, due for the building and finishing the *German Lutheran Church* in *Earl Township*, in *Lancaster County*, and towards the erecting and building a School-House to the same Church.

Passed May 20, 1767.—Recorded A, Vol. V. p. 206.

C A P. XIX.

AN ACT for the Relief of *Thomas Cotterell Grove, Frederick Pepler, Samuel Watts, Azariah Vaun, Thomas Mullan, Matthew Warburton, James Martin, and Thomas Lemon*, languishing Prisoners in the Goals of *Philadelphia, Chester and Lancaster*, with respect to the Imprisonment of their Persons.

Passed May 20, 1767.—Recorded A, Vol. V. p. 200.

C A P. XX.

AN ACT to enable the Managers of the Contributions for the Relief and Employment of the Poor in the City of *Philadelphia*, to borrow the further Sum of *Three Thousand Pounds*.

Passed September 26, 1767.—Recorded A, Vol. V. p. 216.

C A P. XXI.

AN ACT for obliging the Sheriffs and Treasurers of the several Counties within this Province, and the Collector of the Duties of Tonnage, to give sufficient Sureties for the faithful Execution of their Trust.

WHEREAS it is expedient for the public Security, that the Sheriffs and Treasurers of the several Counties within this Province should give Sureties in larger Sums of Money, than have been heretofore accustomed or enjoined by Law, BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esquire, Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle, Kent and Sussex, upon Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That before the Sheriff of any County, within this Province, shall enter upon the Duties of his Office, he shall become bound in an Obligation, with two or more sufficient Sureties, to be approved of by the Governor of this Province for the Time being; that is to say, the Sheriff of the County of *Philadelphia*, in the Sum of *Six Thousand Pounds*; the Sheriff of the County of *Bucks*, in the Sum of *Two Thousand Pounds*; the Sheriff of the County of *Chester*, in the Sum of *Three Thousand Pounds*; the Sheriff of the County of *Lancaster*, in the Sum of *Four Thousand Pounds*; the Sheriff of the County of *York*, in the Sum of *Two Thousand Pounds*; the Sheriff of the County of *Cumberland*, in the Sum of *Two Thousand Pounds*; the Sheriff of the County of *Berks*, in the Sum of *Two Thousand Five Hundred Pounds*; and the Sheriff of the County of *Northampton*, in the Sum of *One Thousand Five Hundred Pounds*, lawful Money of this Province; upon Condition, “ That if he shall and do well and truly serve and execute all the “ King’s Writs and Process to him directed, without Delay, and according to “ Law, and shall and do, from Time to Time, upon Request to him for that “ Purpose made, well and truly pay, or cause to be paid, to the several Suitors “ and Parties interested therein, their lawful Attornies, Factors, Agents or Assigns, all and every Sum and Sums of Money to them respectively belonging, “ which shall come to his Hands; and shall and do, from Time to Time, and “ at all Times, during his Continuance in the said Office of Sheriff, well and “ faithfully execute the said Office, and perform in every Thing the Duty and “ Trust in him reposed, then the said Obligation to be void, or else to remain in full Force and Virtue.” And that all the said Obligations shall be taken in the King’s Name, and entered upon Record in the Office for recording of Deeds, in the County for which the said Sheriffs shall be respectively commissioned; which said Obligations shall be, and they are hereby declared to be, only in Trust to and for the Use and Benefit of the Person or Persons, who shall be injured by any Breach, Neglect or Omission of Duty, in such Sheriffs respectively; and that when they shall be put in Suit, there shall be on them the like Proceedings as are directed on the Bonds enjoined to be given by Sheriffs, in and

Preamble.

Sureties to be given by the respective Sheriffs, &c.

which are to be taken in the King’s Name, and entered upon Record, &c.

by the Act of General Assembly of this Province, passed in the Fourth Year of Queen ANNE, intituled, *An Act for the regulating Elections of Sheriffs and Coroners.*

Sureties to
be given by
the different
County
Treasurers.

II. *AND be it further enacted by the Authority aforesaid,* That the several Treasurers of the respective Counties, within this Province, hereafter to be appointed for receiving the Levies made and collected for sinking the Bills of Credit, heretofore granted to his Majesty's Use, shall, and they are hereby enjoined and required to become bound in an Obligation, with two or more sufficient Sureties, to the Commissioners of the County for the Time being; that is to say, the Treasurer of the City and County of *Philadelphia*, in the Sum of *Six Thousand Pounds*; the Treasurer of the County of *Bucks*, in the Sum of *Two Thousand Pounds*; the Treasurer of the County of *Chester*, in the Sum of *Three Thousand Pounds*; the Treasurer of the County of *Lancaster*, in the Sum of *Three Thousand Pounds*; the Treasurer of the County of *York*, in the Sum of *Two Thousand Pounds*; the Treasurer of the County of *Cumberland*, in the Sum of *Two Thousand Pounds*; the Treasurer of the County of *Berks*, in the Sum of *Three Thousand Pounds*; and the Treasurer of the County of *Northampton*, in the Sum of *Two Thousand Pounds*, lawful Money of this Province, conditioned for the true and faithful Performance and Execution of the Duties of their respective Offices; and that the Treasurers for the respective Counties, who shall be hereafter appointed to receive the Sums of Money, which shall be raised for the Use of the said Counties, shall become bound in Obligations, with two or more sufficient Sureties, to the Commissioners of the County; that is to say, the Treasurer of the City and County of *Philadelphia*, in the Sum of *Two Thousand Five Hundred Pounds*; the Treasurer for the County of *Bucks*, in the Sum of *Eight Hundred Pounds*; the Treasurer for the County of *Chester*, in the Sum of *One Thousand Pounds*; the Treasurer for the County of *Lancaster*, in the Sum of *One Thousand Pounds*; the Treasurer for the County of *York*, in the Sum of *Eight Hundred Pounds*; the Treasurer for the County of *Cumberland*, in the Sum of *Eight Hundred Pounds*; the Treasurer for the County of *Berks*, in the Sum of *One Thousand Pounds*; and the Treasurer for the County of *Northampton*, in the Sum of *Eight Hundred Pounds*, lawful Money of this Province, conditioned for the true and faithful Performance and Execution of the Duties of their respective Offices.

Sureties to
be given by
the Collector
of the Duties
of Tonnage.

III. *AND be it further enacted by the Authority aforesaid,* That the Collector of the Duties of Tonnage, appointed by the Act, intituled, *A Supplement to the Act, intituled, An Act for erecting a Light-House at the Mouth of the Bay of Delaware, at or near Cape-Henlopen, for placing and fixing Buoys in the said Bay and River Delaware, and for appointing Commissioners to receive, collect and recover, certain Sums of Money, heretofore raised by Way of Lottery, and to appropriate the same to the Purposes aforesaid,* shall, within one Month from the Publication of this Act, become bound in an Obligation, with two or more sufficient Sureties, to be approved of by the Governor of this Province for the Time being, in the Sum of *Fifteen Hundred Pounds*, lawful Money of this Province, conditioned for the faithful Execution and Performance of the Duties enjoined and required of him by the said recited Act of Assembly.

Treasurers to
lay their Ac-
counts, &c.
before the
Committee
of Assembly,
annually.

IV. *AND be it further enacted by the Authority aforesaid,* That the said Treasurers, who shall be hereafter appointed for receiving the Levies made and collected for sinking the Bills of Credit, heretofore granted to his Majesty's Use, shall, and they are hereby enjoined and required, yearly and every Year, to lay before the Committee of Assembly for the Time being, appointed for settling the public Accounts, their several and respective Accounts; together with the Duplicates, or Accounts of the Rates and Assessments of their respective Counties, delivered them by the County Commissioners, and that on or before the first Day of *September* in every Year; which said Accounts of such Treasurers shall be finally adjusted and settled by the said Committee. And in case any Treasurer of the said Counties shall neglect or refuse to account and settle with the said Committee, in Manner, and on or before the Time aforesaid, every such Treasurer shall forfeit all his Commissions, arising on the Monies which hath or shall come to his Hands as Treasurer, for the current Year, any Law, Usage or Custom to the contrary in any wise notwithstanding; and that each of the said Treasurers, who shall produce their said Accounts, and settle with the said Committee in Manner aforesaid, shall be allowed *Three-pence* for every Mile, in coming

Penalty on
their Ne-
glect, &c.

coming from their respective Places of Abode, and the same for each Mile in returning.

V. *AND be it further enacted by the Authority aforesaid, That so much of the said recited Act of General Assembly of this Province, intituled, An Act for regulating the Elections of Sheriffs and Coroners, and of another Act of General Assembly, intituled, An Act for the preventing Bribery and Corruption in the Election of Sheriffs and Coroners within this Province, as relates to the Securities to be given by the Sheriffs of the several Counties within this Province; so much of the Act of General Assembly of this Province, intituled, An Act for raising County Rates and Levies, as relates to the Sureties to be given by the County Treasurers; and so much of the Act, intituled, An Act for granting the Sum of Sixty Thousand Pounds to the King's Use, and for striking Fifty-five Thousand Pounds thereof in Bills of Credit, and to provide a Fund for sinking the same, as relates to the Securities to be given by the Treasurers of the respective Counties, appointed to receive the Levies and Bills of Credit, collected for sinking the Monies granted to his Majesty's Use, shall be, and are hereby declared to be repealed, null and void.*

Passed September 26, 1767.

C A P. XXII.

An ACT for the Support of the Government of this Province, and Payment of the Public Debts.

Passed September 26, 1767.

At a GENERAL ASSEMBLY, begun and holden at Philadelphia, the Fourteenth Day of October, Anno Domini 1767, in the Seventh Year of the Reign of our Sovereign Lord GEORGE III. and continued by Adjournments to the Twentieth Day of February following.

C A P. I.

An ACT to remove the Persons now settled, and to prevent others from settling, on any Lands in this Province, not purchased of the Indians.

Passed February 3, 1768.

C A P. II.

An ACT for raising and applying the Sum of Three Thousand Pounds, towards removing the present Discontent of the Indians, regaining their Friendship, and for other Purposes therein mentioned.

Passed February 17, 1768.

C A P. III.

An ACT to continue an Act, intituled, *An Act for laying a Duty on Negroes and Mulattoe Slaves, imported into this Province*, and another Act, intituled, *A Supplement to an Act, intituled, An Act for laying a Duty on Negroes and Mulattoe Slaves, imported into this Province.*

Passed February 20, 1768.—Expired.

C A P. IV.

An ACT to amend the Act, intituled, *An Act for the better Employment, Relief and Support of the Poor within the City of Philadelphia, the District of Southwark, the Townships of Moyamensing and Passyunk, and the Northern Liberties.*

Passed February 20, 1768.—Expired.

C A P.

C A P. V.

An ACT for appropriating a Sum of Money for building the middle House, on the West Side of the Barracks, in the *Northern Liberties* of the City of *Philadelphia*.

Passed February 20, 1768.—Obsolete.

C A P. VI.

An ACT for raising, by Way of Lottery, the Sum of *Five Thousand Two Hundred and Fifty Pounds*, for purchasing a Public Landing in the *Northern Liberties*, and paving the Streets of the City of *Philadelphia*.

[Note.—The Parts of this Act which relate to the Lottery are omitted.]

Manner of applying the Money raised by the Lottery.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That after the Payment of the Sums due to the fortunate Adventurers in the said Lottery, and defraying the Costs and Expences attending the same, the neat Sum of Money, remaining in the Hands of the Treasurer aforesaid, shall be applied in Manner following; that is to say, *Two Thousand Pounds* thereof, for and towards purchasing a Landing in the *Northern Liberties*, nearly opposite the Barracks, and improving the same, with the Landing at the End of *Callowhill-street*, as herein after is directed; and the Remainder to be paid to the City Commissioners, for pitching and paving the Streets, Lanes and Alleys, of the City of *Philadelphia*, or to their Treasurer, the better to enable them so to pitch, pave and keep clean the Streets, Lanes and Alleys aforesaid.

Commissioners, &c. of the County of *Philadelphia*, to purchase a Landing, &c.

II. AND be it further enacted by the Authority aforesaid, That the Commissioners of the County of *Philadelphia*, in Trust for the Public, by and with the Consent and Approbation of the Justices of the Peace of the said County, in their Court of Quarter Sessions, shall, and they are hereby required and enjoined to buy a Landing, nearly opposite the said Barracks, and receive the Deeds thereof in Trust for the Public; and further to build, or cause to be built thereon, a good Wharff, and a Pier, for the Use of the Public.

And to lett the same, &c.

III. AND the said County Commissioners for the Time being, or a Majority of them, with the Approbation of any three Justices of the Peace for said County, are hereby enjoined and required, for ever hereafter, to have the Care, Direction and Management of the said Landing, in letting the same out to any Person or Persons, for the Purposes of repairing and improving the same from Time to Time for ever hereafter, as the said Commissioners and Justices, or a Majority of them for the Time being, may judge most for the Public Good.

Commissioners, &c. empowered to improve the Landing at the End of *Callowhill-street*.

IV. AND whereas the Honourable the Proprietaries of the Province of *Pennsylvania* have continued *Callowhill-street*, in the *Northern Liberties* aforesaid, into the River *Delaware*, and as a Public Landing Place at the End of the same Street may hereafter prove very advantageous and beneficial to the Public, Be it therefore further enacted by the Authority aforesaid, That the said County Commissioners, or a Majority of them, with the Consent and Approbation of any three Justices of the Peace of the County aforesaid, shall for ever hereafter have the same Power and Authority, for the improving and letting the same Landing Place at the End of *Callowhill-street* aforesaid, for the Uses and Purposes aforesaid, as to them are hereby given and granted with respect to the Landing Place, nearly opposite to the said Barracks, hereby intended to be purchased.

Passed February 20, 1768.

C A P. VII.

An A C T for incorporating the Society, known by the Name and Stile of *The Philadelphia Contributionship for the insuring of Houses from Loss by Fire*, to ratify and confirm the Articles of Agreement of the Contributors, and to enable them to make suitable Bye-Laws, for the better Management and Prosecution of their said Design.

WHEREAS a Number of Persons, for their own mutual Security, and Preamble.
for the common Security and Advantage of their Fellow Citizens and others, have, by certain Articles of Agreement, bearing Date the Twenty-fifth Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Fifty-two, formed and entered into a Society, for the Insurance of Houses from Loss by Fire, upon the most equal Terms, and apart from all Views of private or separate Gain or Interest: And whereas it has been found by Experience, that the said Design, so far as it hath been already carried into Execution, has proved very useful and advantageous to the Adventurers therein: And whereas the Members of the said Society, in order to enable them to prosecute the said Design in a Manner more extensively beneficial to the Public, and more effectually to secure the Interest of all Persons concerned, are desirous that the Contributors, forming the said Society, may be incorporated, and made a Body Politic in Law, and that the Covenants and Agreements, mutually made and entered into between them, may be ratified and confirmed by an Act of the Legislature; BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all and every Person and Persons, who have heretofore subscribed the said recited Articles of Agreement, Society in-
corporated,
&c. by him, her or themselves, or by his, her or their Attorney or Agent, and each and every one who shall hereafter, in like Manner, subscribe the same, or shall at any Time or Times hereafter insure in or with the said Society, their respective Heirs, Devisees and Assigns, shall be, and they and every of them are hereby declared to be, Members of the said Society, and are hereby made a Body Politic and Corporate in Law, to all Intents and Purposes, and shall have perpetual Succession, and may sue and be sued, plead and be impleaded, by the Name of THE PHILADELPHIA CONTRIBUTIONSHIP FOR THE INSURANCE OF HOUSES FROM LOSS BY FIRE, in all Courts of Judicature within this Province, and by that Name shall and may lend any Sum or Sums of Money, belonging to the said Contributors, to such Person or Persons, Bodies Politic or Corporate, as may be willing to borrow the same, on such Securities, and in the Manner herein after directed; and the said Corporation are hereby impowered to have and use one common Seal in all their Affairs.

II. AND be it further enacted by the Authority aforesaid, That all and every Mortgage, Bond, Bill, and other Securities for Monies lent, which have been heretofore taken in the Names of the Directors of the said Contributionship, or in the Name of the Treasurer thereof, shall and may be sued for and recovered, in the Name of *The Philadelphia Contributionship for the Insurance of Houses from Loss by Fire*, in as full, ample and effectual Manner, as if the said Mortgages, Bonds, Bills, and other Securities, had been and were taken in that Name, any Thing in the said Securities to the contrary in any wise notwithstanding. Mortgages,
&c. to be
sued for in
the Name of
the Corpo-
ration.

III. AND whereas the said Contributors did, on the Second Monday in April last, in Pursuance of the said Articles of Agreement, elect *Isaac Jones*, *Luke Morris*, *Jonathan Evans*, *Alexander Huston*, *Jacob Shoemaker*, junior, *Samuel Shoemaker*, *Joseph Fox*, *Joshua Howell*, *David Desbler*, *Peter Reeve*, *Gunning Bedford*, and *Samuel Weatherell*, junior, to be Directors for the ensuing Year, Be it therefore enacted by the Authority aforesaid, That the said *Isaac Jones*, *Luke Morris*,

Names of the present Directors. *ris, Jonathan Evans, Alexander Huston, Jacob Shoemaker, junior, Samuel Shoemaker, Joseph Fox, Joshua Howell, David Deshler, Peter Reeve, Gunning Bedford, and Samuel Weatherell, junior, shall be and continue Directors of the said Society until*

Their Power, &c.

the Second Monday in April next, after the Publication of this Act, and until others shall be duly chosen in their Room; which said Directors, and all Directors hereafter to be chosen by Virtue of this Act, or a Majority of them, are hereby impowered to provide a Seal for the said Society, and to change and alter the same, if they shall see Occasion; and also to appoint one or more Clerks, Surveyors, Messengers, and other Servants, and their respective Fees and Salaries, as they shall think proper, and to take such Securities from them, as they shall think sufficient for the due Discharge of their respective Trusts; and they, the said Directors, shall and may also, from Time to Time, direct and order the making and giving out Policies, and dispose of, place out, take in, secure and improve the Stock of the said Society, and the Interest, Profit and Produce thereof, for defraying the contingent Charges of the said Society, and satisfying all such Losses and Damages, as shall or may happen in or to the same; and shall and may also provide Books of Accounts, and all other Things, needful and requisite for the Affairs thereof; and the said Directors shall and may, and are hereby impowered to suspend and remove all and any of the Officers and Servants aforesaid, as they shall see Cause, and from Time to Time to supply any Vacancy, which shall happen on the Death or Removal of them, or any of them; and the said Directors are hereby impowered to do, perform and execute, all other Acts, Matters and Things, needful, incident or relative to the Premises, or any of them, which they shall think fit and reasonable, according to the Tenor and true Intent and Meaning of this Act.

General Meeting to be held yearly, on the Second Monday in April, &c.

IV. *AND be it further enacted by the Authority aforesaid, That there shall be a General Meeting of the Contributors aforesaid on the Second Monday in April in every Year, or oftener, if the Directors for the Time being, or a Majority of them, shall think fit; or if any Twenty Contributors, insuring to the Value of Ten Thousand Pounds, or upwards, shall require the same; of which General Meetings, and of the Matters there intended to be moved, proposed and transacted, public Notice shall be given by the said Directors, at least Fifteen Days before the Times of such Meetings, in some public News-paper or Papers in the City of Philadelphia, when and where all the said Contributors shall have full Right and Liberty to be present, and be capable of acting and managing the Affairs of the said Society, that shall then come before them; and they shall begin an Hour at least after the Time appointed for meeting, and shall choose a Chairman, by a Majority of Votes, by Tickets in Writing; and after such Choice, shall continue on the Business proposed one Hour, or longer, before any Determination shall be had thereon. And if any Chairman shall refuse or neglect to put or offer to the Consideration and Determination of the said Contributors, so met, any Question or Matter, which shall then and there be proposed, seconded and insisted on, then the said Contributors shall, and they are hereby impowered, in like Manner, to choose another Chairman, in the Room of him so refusing or neglecting; and the said Contributors, at every such General Meeting, shall and may, and they are hereby impowered to consider, treat and determine, of and concerning all or every the Matters and Things, relating to the prudent and just Management, and good Order of the said Society, and to establish and confirm all such Articles and Rules, as have been heretofore agreed to, and not ratified and confirmed by this Act, to alter and amend the same, and to make and establish any other additional Rules and Articles, for the better and more perfect Prosecution of the true Intent and Design of the said Society. At all which Meetings, the Determination of a Majority of the Contributors present shall be conclusive and binding on the whole Society. Provided always, That the said Rules and Articles be not inconsistent with, or contrary to, the Regulations and Establishments made and declared by this Act.*

Twelve Directors, and a Treasurer, to be chosen yearly, &c.

V. *AND be it enacted by the Authority aforesaid, That at the said General Meeting in the Month of April, yearly and every Year, the said Contributors, who shall be present, shall choose, by Tickets in Writing, Twelve Persons out of their own Body, to be the Directors, and one other Person to be Treasurer, for the ensuing Year; and that the said Election shall begin on the said Second*

Monday

Monday in April, and be continued by Adjournment, if necessary, from Day to Day, until the Contributors, who shall attend, shall have voted; and that the Directors of the preceding Year shall appoint two of their own Body, with three other Contributors, who are not Directors, to be Judges of the Election, who shall, under their Hands, or the Hands of a major Part of them, report the Names of the Persons duly elected Directors and Treasurer respectively, for the ensuing Year, to the General Meeting; and when the said Election is over, and the Report aforesaid so made, the Contributors present may proceed to Business, and not before.

VI. *AND be it further enacted by the Authority aforesaid, That Isaac Greenleaf* shall be the Treasurer to the said Society for the present Year, and shall continue in his said Office until the Second *Monday in April*, next ensuing the Publication of this Act, and until another shall be chosen in his Stead; which Treasurer, and all other Treasurers, to be elected by Virtue of this Act, shall have the Custody of the Cash, Securities and Deeds, belonging to the said Society; and shall, from Time to Time, pay and deliver the same, and every of them, to such Person or Persons as the Directors for the Time being, or a Majority of them, shall by their Orders direct and appoint; which said Orders shall be good Vouchers to indemnify him; and shall have Power, and he is hereby enjoined and required to give sufficient Releases and Discharges of any Sum or Sums of Money, which shall be paid on any Mortgage, Bond, Bill or other Security, and, within one Month after Request, to acknowledge the same on Record, if such Payment shall be on a Mortgage, under the Penalty of forfeiting and paying any Sum of Money, not exceeding the Mortgage Money, to be recovered in a Court of Justice, by Bill, Complaint or Information; and shall also keep regular and fair Books of Accounts of all Cash, Securities, Deeds, Writings, and other Things by him received, or committed to his Care and Custody, and of all Cash, Securities, Deeds, Writings, and other Things and Effects, by him paid or delivered as aforesaid; and that such Treasurer, before he enters on the Duties of his Office, shall give such Security to the said Corporation, in the Name aforesaid, for the due and faithful Discharge of his Trust, and for accounting for, and delivering up to his Successor in said Office, all such Monies, Securities, Deeds, Writings and Effects, as shall have come to his Hands or Custody, and which shall not have been paid or delivered upon Discharge of any Mortgage as aforesaid, or by Order of the Directors as aforesaid, as the said Directors, or a Majority of them, shall direct and require; which Security the said Directors are hereby enjoined and required to see duly given and executed, and recorded in the Office for recording of Deeds for the County of *Philadelphia*, before any such Treasurer so elected shall enter upon his said Office, and before he shall receive any of the Cash, Securities, Deeds, Writings or other Effects aforesaid; and if, through the Default or Neglect of the said Directors, Security shall not be given by such Treasurer as aforesaid, the said Directors shall be accountable for his Conduct and Demeanor in said Office, and make good to, and indemnify, all and every of the said Contributors, who shall sustain any Damage for Want thereof.

The present
Treasurer
continued till
the Second
Monday in
April, &c.

Treasurer to
give Security
&c.

VII. *AND be it further enacted by the Authority aforesaid, That the said* Directors shall meet when and where, and as often as they shall think proper, but at least once in every Month, on the First *Tuesday* in each Month; and being a Majority at least, they shall and may enter upon, order, direct and dispatch, all such Matters and Things, relating to the Office of Insurance, as shall properly come before them, and such their Proceedings shall be good and valid in all the Affairs and Business of the said Society, that shall be committed to their Management by the Contributors aforesaid, from Time to Time, at their General Meeting; and in case any of the Directors, or Treasurer, hereafter to be elected, shall happen to die, remove out of the Province, or shall refuse or neglect to act as Director or Directors, or Treasurer, or shall, for two Kalendar Months, wholly omit and neglect to attend the Affairs and Business of the said Society, then, and in such Case, the Directors for the Time being, or a Majority of them, may choose another Director or Directors, or Treasurer, in the Room and Stead of such who shall die, remove, or refuse or neglect to act as aforesaid: *Provided nevertheless*, That all the Directors acting, and in Office, shall have due and previous Notice of such intended Election; and such Choice being confirmed by a second Meeting of

Directors to
meet on the
First Tuesday
in every
Month, &c.

of the said Directors, the Person or Persons so elected shall be the Director or Directors, or Treasurer, respectively, until the next annual Meeting and Election.

Directors im-
powered to
lend Money,
&c.

VIII. *AND be it further enacted by the Authority aforesaid*, That the Directors aforesaid, for the Time being, or the Majority of them, shall and may, and they are hereby impowered to lend, advance and lay out, on Mortgage of Houses and Lands, and other real Estate, such Sum and Sums of Money, as from Time to Time they shall think fit: *So always and provided*, That upon all such Loans, the Resolutions and Orders of the Directors thereupon be had and made, at two several monthly Meetings or Boards of a major Part, at least, of all the Directors, and so that the Titles and Conveyances relating to such Loans be first approved of by Counsel learned in the Law.

And to be
indemnified,
&c.

IX. *AND be it further enacted by the Authority aforesaid*, That the said Directors shall always stand, and be indemnified and saved harmless by the said Contributors, in and for their giving out and signing Policies of Insurance, and all their other lawful Acts, Deeds and Transactions, done and performed in Pursuance of this Act; and the Stock, Securities, and joint Effects of the said Contributors shall, in the first Place, be appropriated to exonerate and discharge, indemnify and save harmless, the said Directors, and every of them, of and from all such Costs, Charges, Damages and Expences, which shall or may happen or arise, or which they, or any of them, shall reasonably expend or sustain, for or concerning the Trust aforesaid, nor shall any of the said Directors be answerable for, or charged with, the Defaults, Neglects or Misdeeds of the others of them.

Passed February 20, 1768.

C A P. VIII.

An ACT to enable the Owners and Possessors of a certain Tract of Marsh and Meadow Land, therein described, situate in the County of *Chester*, to keep the Banks, Dams, Sluices and Flood-gates in Repair, and to raise a Fund to defray the Expence thereof.

Passed February 20, 1768.—Recorded A, Vol. V. p. 243.

C A P. IX.

An ACT for regulating the Fishery in the River *Brandywine*.

Preamble.

WHEREAS it hath been represented to the Assembly, by Petition from a Number of the Freeholders of the County of *Chester*, that live on or near the River called *Brandywine*, that their Ancestors, themselves, and the poor adjacent Inhabitants, have formerly enjoyed great Advantages from the Fishery in the same River; and although no Person owning Lands below the Fork, or main Branches, can claim any Right, by Survey, to the Lands covered with the Waters thereof, yet divers Persons have erected Dams across the said River, to the almost total Obstruction of the Fish running up the same; Wherefore, for remedying the Mischiefs aforesaid, BE IT ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freeman of the said Province, in General Assembly met, and by the Authority of the same, That all and every Person and Persons whatsoever, having already erected, or that shall hereafter erect, any Mill-dam, or other Obstruction across the said River, below the Forks thereof, within this Province, shall make, open and leave, the Space of Nine Feet in Breadth, near the Middle of the said Dam, at least Fourteen Inches lower than any other Part thereof, so that there be at least Twelve Inches Depth of Water, during the Months of *March*, *April* and *May*, in every Year, constantly running through the same; and for every Foot that the Dam is or shall be raised perpendicular from the Bottom of the said River, there shall be laid a Platform, either of Stone or Timber, or of both, with proper Walls on each Side, to confine the Waters, which shall extend at least Four Feet down the Stream, and of the Breadth aforesaid, to form a Slope for the Water's gradual Descent; and that all and every Person and Persons, who shall refuse or neglect to make or alter his, her or their Dams in the Manner directed

Manner of
erecting
Mill-dams
below the
Forks, &c.

directed as aforesaid, within the Term of One Year, next after this Act shall be in Force, every such Person so offending, contrary to the true Intent and Meaning of this Act, being legally convicted thereof, by the Oath or Affirmation of one or more Witnesses, or by his or her own Confession, shall forfeit and pay the Sum of *One Hundred Pounds*, lawful Money of this Government, for every such Offence, or suffer Nine Months Imprisonment, without Bail or Main-prize; one Moiety of which Forfeiture shall be paid to the Informer or Prosecutor, and the other Moiety to the Overseers of the Poor of the Township, City or Borough, where such Offender shall reside, for the Use of the Poor of the said Township, City or Borough, if resident within this Province, if otherwise, where they shall be apprehended.

II. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons whatsoever, from and after this Act shall be in Force, shall erect, build, set up, repair or maintain, or shall be aiding, assisting or abetting, in erecting, building, setting up, repairing or maintaining any Wear, Rack, Basket, Fishing-dam, Pound, or other Device or Obstruction whatsoever, within the said River of *Brandywine*, below the Forks thereof (Mill-dams made with the Opening in the Manner aforesaid only excepted) or that shall fix or fasten any Net or Nets across the same, or any Part thereof, whereby the Fish may be obstructed from going up the same; or that shall take, destroy or spoil any Spawn, Fry or Brood of Fish of any Kind whatsoever, in any such Wear, Rack, Basket, Pound or other Device aforesaid, every such Person so offending, being thereof legally convicted in Manner aforesaid, shall forfeit and pay the Sum of *Fifty Pounds*, lawful Money of this Government, for every such Offence, or suffer Six Months Imprisonment, without Bail or Main-prize; one Moiety of which Forfeitures shall be paid to the Informer, or Person who shall prosecute for the same, the other Moiety to the Use of the Poor of the Township where such Offender shall reside.

Penalty on erecting Weirs, &c.

III. *AND for the more effectual detecting and punishing Offenders against this Act*, *Be it enacted by the Authority aforesaid*, That the Constables of each respective Township, which shall be bounded by, or adjoining to any Part of the said River, shall, and they are hereby enjoined and required, under the Penalty of *Five Pounds*, to be recovered as Debts not exceeding *Five Pounds* are directed by Law to be recovered, and to be applied in the Manner last aforesaid, carefully and diligently to inspect and view, once at least in every two Weeks, from the first of *March* to the last of *May*, in every Year, after this Act shall be in Force, such Parts of the said River as shall be adjoining to his respective Township; and having any Knowledge of any Offence against this Act, he shall forthwith give Information to the next Justice of the Peace, who shall call such Offender before him by Warrant or Summons, and if, on hearing, he shall appear to be guilty of any Offence against this Act, the said Justice shall take his Recognizance, with one sufficient Surety, for his Appearance at the next Court of General Quarter Sessions of the Peace, to be held for the said County.

Constables to inspect, and give Information of Offences against this Act, &c.

IV. *AND be it further enacted by the Authority aforesaid*, That after the Mill-dams shall be altered and built agreeable to the true Intent and Meaning of this Act, no Person or Persons whatsoever shall cast or draw any Net or Seine, in the said River, within Twenty Perches next below or above the said Opening, hereby directed to be left in the said Dams, under the Penalty of *Fifty Pounds*, to be recovered and applied in Manner first aforesaid. *Provided always nevertheless*, That nothing in this Act contained shall be construed or understood to deprive or hinder any Person from drawing a Seine or Net for the taking of Fish in any Part of the said River, except near the Dams as aforesaid.

Mill-dams being made agreeable to this Act, no Person to draw a Seine within twenty Perches, &c.

V. *PROVIDED also, and be it further enacted by the Authority aforesaid*, That the several and respective Provisions, Matters and Things herein before made, enumerated and expressed, for regulating the Fishery in the River *Brandywine*, shall be, and shall be deemed, held, construed and taken to be of no Force, Validity or Effect, until a Bill for remedying the same Mischiefs and Inconveniencies, hereby intended to be remedied in the said River, shall be passed and enacted into a Law by the Legislature of the Three Lower Counties of *New-Castle, Kent and Sussex*, upon *Delaware*, and be in full Force and Virtue, any Thing herein contained to the contrary thereof notwithstanding.

What relates to regulating the Fishery in the River *Brandywine*, to be of no Force, until, &c.

Passed February 20, 1768.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, *Anno Domini* 1768, in the Eighth Year of the Reign of our Sovereign Lord GEORGE III. and continued by Adjournments to the Thirtieth Day of *September* following.

C A P. I.

AN ACT to enable the Managers of the Contributions for the Relief and Employment of the Poor in the City of *Philadelphia*, to raise the Sum of *Fourteen Thousand Pounds*, in Bills of Credit, towards discharging their Debts, and to provide a Fund for redeeming and sinking the said Bills.

Preamble.

WHEREAS in Pursuance of the Acts of General Assembly of this Province, one of them passed in the Seventh Year of his present Majesty's Reign, intituled, *An Act for amending the Act, intituled, An Act for the better Employment, Relief and Support of the Poor, within the City of Philadelphia, the District of Southwark, the Townships of Moyamensing and Passyunk, and the Northern Liberties*; and the other of them passed in the same Year, intituled, *An Act to enable the Managers of the Contributions for the Relief and Employment of the Poor in the City of Philadelphia, to borrow the further Sum of Three Thousand Pounds*; the said Managers did borrow the several Sums of *Six Thousand Pounds*, and *Three Thousand Pounds*, for the Uses and Purposes in the said Acts mentioned; which said several Sums of Money were directed to be paid off and discharged, out of the Monies which they the said Managers should raise by the Sale of the *Alms-House Square*, or Lot of Ground, with the Buildings thereon erected; and in case the Monies arising from such Sale should not be sufficient for that and other Purposes in the said Acts mentioned, that the Deficiency should be paid and satisfied by a just and proportionable Rate or Tax, to be laid, assessed and levied on all Estates, real and personal, within the City of *Philadelphia*, the District of *Southwark*, and the Townships of *Moyamensing*, *Passyunk*, and the *Northern Liberties*: And whereas the said Managers have represented to the Assembly of this Province, that from the great Scarcity of Money, they have found it impracticable to sell the said *Alms-House Square*, or Lot of Ground and Buildings, at any reasonable Price, and that it would be extremely distressing to the Inhabitants of the said City, District and Townships, should the said Sums of Money so borrowed, with the other Debts aforesaid due from the said Managers, be immediately levied on the said Estates. And whereas it is expedient, that the said Sums so borrowed, with the other Debts contracted by the said Managers, should be paid off and discharged; For which Purposes, BE IT ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That Bills of Credit, to the Value of *Fourteen Thousand Pounds*, shall be prepared and printed, within two Months next after the Passing of this Act, on good strong Paper, under the Care and Direction of *Joseph Richardson*, *James Pemberton*, *Michael Hillegas*, and *Isaac Pearson*, Esquires, or any three of them; the Charges whereof shall be paid by the

14,000 l. to
be struck in
Bills of Credit.

the Treasurer of the Contributors to the Relief and Employment of the Poor in the City of *Philadelphia*, out of the Monies which he shall receive as Treasurer to the said Contributors ; which Bills of Credit shall be made and prepared in the Manner and Form following, *viz.*

THIS indented Bill of-----shall intitule the Bearer to receive of the Form of the Bill.
Treasurer of the Contributors to the Relief and Employment of the Poor in the City of Philadelphia, the like Sum of-----of equal Value with the same Sum, of the Bills of Credit of this Province, now by Law current, according to the Directions of an Act of General Assembly of Pennsylvania, made in the Ninth Year of the Reign of his Majesty GEORGE the Third. Dated the Tenth Day of March, One Thousand Seven Hundred and Sixty-nine.

II. A N D whereas the Trade and Commerce of this Province are carried on with the greater Difficulty, from the Want of small Change, *Be it therefore enacted by the Authority aforesaid,* That the said Bills shall have such like Escutcheons as in the Margin hereof, with such other Devices, as the said *Joseph Richardson, James Pemberton, Michael Hillegas, and Isaac Pearson,* or any three of them, shall think proper, as well to prevent Counterfeits, as to distinguish their several and respective Denominations ; each of which Bills shall be of the several Denominations following, and no other ; that is to say,



O N E Thousand of the same Bills, the Sum of *Twenty Shillings* in each of Their several Denominations. them.

O N E Thousand of the same Bills, the Sum of *Fifteen Shillings* in each of them.

T W O Thousand of the same Bills, the Sum of *Ten Shillings* in each of them.

F I V E Thousand of the same Bills, the Sum of *Five Shillings* in each of them.

T W E L V E Thousand of the same Bills, the Sum of *Two Shillings and Six-pence* in each of them.

T W E N T Y Thousand of the same Bills, the Sum of *Two Shillings* in each of them.

T H I R T Y Thousand of the same Bills, the Sum of *One Shilling and Six-pence* in each of them.

T H I R T Y Thousand of the same Bills, the Sum of *One Shilling* in each of them.

T H I R T Y Thousand of the same Bills, the Sum of *Nine-pence* in each of them.

T H I R T Y Thousand of the same Bills, the Sum of *Six-pence* in each of them.

T H I R T Y Thousand of the same Bills, the Sum of *Four-pence* in each of them.

T H I R T Y Thousand of the same Bills, the Sum of *Three-pence* in each of them.

III. A N D the said *Joseph Richardson, James Pemberton, Michael Hillegas, and Isaac Pearson,* or any three of them, shall use their best Care, Attention and Diligence, during the printing the said Bills, that the Number and Amount thereof, according to their respective Denominations aforesaid, be not exceeded, nor any clandestine or fraudulent Practice used by the Printer, his Servants, or others concerned therein. Care to be taken that the Number of Bills is not exceeded, &c.

IV. A N D for the perfecting the said Bills, according to the true Intent and Meaning of this Act, *Be it enacted by the Authority aforesaid,* That all and every of the said Bills, the Denominations whereof shall be *One Shilling* and upwards, shall be signed by any three of the Persons herein after named ; and that every of the said Bills, the Denominations whereof shall be under *One Shilling*, shall be signed by any one of the Persons herein after named ; that is to say, by *Joseph Fox, Samuel Rhoads, Luke Morris, Jacob Lewis, Thomas Say, Samuel Burge, Abel James, Stephen Collins, James Penrose, John Parrock, Joseph Wharton,* the younger, and *Charles Thompson,* who are hereby nominated and appointed to be Signers of the said Bills, and shall, before they receive or sign any of them, take an Oath or Affirmation to the Effect following, *viz.* Signers Names.

T H A T

Signers Qualification.

THAT they shall well and truly sign and number all the Bills, that shall come to their Hands for that Purpose, by the Direction of this Act; and the same, so signed and numbered, will deliver, or cause to be delivered, unto the said Joseph Richardson, James Pemberton, Michael Hillegas, and Isaac Pearson, or any three of them, pursuant to the Directions of this Act.

Committee of Assembly to deliver the Bills to the Signers, who are to give Receipts for the same, &c.

V. *AND for avoiding the Danger of Embezzlement or Misapplication of the said Bills of Credit, Be it further enacted by the Authority aforesaid, That the said Joseph Richardson, James Pemberton, Michael Hillegas, and Isaac Pearson, or any three of them, after the said Bills shall be printed, shall deliver them to the Signers aforesaid, to be signed and numbered, by Parcels, for which the said Signers, or some of them, shall give their Receipt; that is to say, Two Thousand Pounds Value in the said Bills at one Time, and so from Time to Time, until all the said Bills of Credit shall be signed and numbered, in such Manner, that not more than the Value of Two Thousand Pounds shall remain in such Signers Hands at one Time; of all which said Bills of Credit, so delivered to be signed, a true Account shall be kept by the Signers, who, upon their Re-delivery of each, or any Parcel of the said Bills by them signed and numbered, shall take the Receipt of the said Joseph Richardson, James Pemberton, Michael Hillegas, and Isaac Pearson, or any three of them, to charge them before any Committee of Assembly to be appointed for that Purpose.*

Bills, when signed, to be delivered to the Treasurer, &c.

VI. *AND be it further enacted by the Authority aforesaid, That as soon as the said Bills shall be signed, numbered and perfected, the said Joseph Richardson, James Pemberton, Michael Hillegas, and Isaac Pearson, or any three of them, shall deliver to the said Treasurer, and take his Receipt or Receipts for the same, who shall therewith pay off and discharge all such Draughts and Orders, as shall be drawn on him by the said Managers, or a Majority of them, for and towards the Payment of the said Sums of Money so as aforesaid borrowed, with the Interest thereof, and such other Debts as are now due from, or contracted by, the said Managers, in Pursuance of their Trust, as Managers of the Contributions for the Relief and Employment of the Poor in the City of Philadelphia.*

Counterfeiters, or Utters of counterfeit Bills, how to be punished.

VII. *AND be it further enacted by the Authority aforesaid, That if any Person or Persons shall presume to counterfeit any of the said Bills of Credit, made and issued by Virtue of this Act, by printing, or procuring the same to be printed, in the Likeness or Similitude of the said Bills of Credit; or if any Person or Persons shall forge the Name or Names of the Signers of the said true Bills of Credit to such counterfeit Bills, whether the counterfeiting of the said Bills of Credit, or Names, be done within this Province, or elsewhere, or shall utter such Bills, knowing them to be counterfeited as aforesaid, and being thereof legally convicted, by Confession, standing mute, or by the Verdict of Twelve Men, in any Court of Oyer and Terminer within this Province, he, she or they, shall suffer Death, without Benefit of Clergy; and the Discoverer or Informer shall have, as an Encouragement to his Discovery, the Sum of Fifty Pounds, of the Value of the Goods and Chattels, Lands and Tenements of the Person or Persons convicted; and if no such Goods and Chattels, Lands and Tenements can be found, the Sum of Ten Pounds, to be paid by the said Treasurer, out of the Monies aforesaid. And if any Person or Persons shall counterfeit any of the said Bills of Credit, by altering the Denominations thereof, with Design to increase the Value of the said Bills, or shall utter such Bills, knowing them to be so counterfeited or altered, and shall thereof be legally convicted, in any Court of Quarter Sessions of the Peace within this Province, every such Person and Persons shall be sentenced to the Pillory, have both his or her Ears cut off, and nailed to the Pillory, and be publicly whipped on his or her bare Back with Thirty-nine Lashes, well laid on; and moreover, every such Offender shall forfeit the Sum of One Hundred Pounds, to be levied on his or her Lands, Tenements, Goods and Chattels, one Half thereof to the Treasurer of the said Contributors for the Employment and Relief of the Poor, and the other Half thereof to the Discoverer; and the Offender shall pay to the Party grieved, double the Value of the Damages thereby sustained, together with the Costs and Charges of the Prosecution; and in case the Offender shall not have sufficient to satisfy such Discoverer for his or her Charges and Damages, and pay the Forfeiture aforesaid, he or she shall be sold for any Term, not exceeding Seven Years, to make such Satisfaction, and in such Case, the said Discoverer*

coverer shall be paid by the said Treasurer the Sum of *Ten Pounds*; and every such counterfeit Bill shall be delivered to the said Treasurer, to be made Use of upon the Trial of the Person accused or suspected, and afterwards to be burnt, sunk and destroyed, in the Presence of a Committee of Assembly.

VIII. AND whereas it is expedient and necessary that the said Bills of Credit, hereby directed to be made and emitted, should be paid off and discharged, and burnt, sunk and destroyed, as soon as conveniently may be, *Be it therefore further enacted by the Authority aforesaid*, That the said Managers shall, from Time to Time, as Occasion may require, grant, bargain, and dispose of such Parts of the said *Alms-House* Square, or Lot of Ground, as remain unfold, and the Rents reserved on any Part thereof; and that the Monies arising from such Sales shall be paid into the Hands of the said Treasurer, who shall, and he is hereby enjoined and required, out of the said Monies, to pay off, discharge and redeem, at least the Sum of *One Thousand Pounds* yearly, and every Year, until the whole Sum of *Fourteen Thousand Pounds*, hereby directed to be emitted, shall be paid off and redeemed: But in case the said Managers shall not be able, by the Sales of the said *Alms-House* Square, or Lot of Ground, to raise the said Sum of *One Thousand Pounds* yearly, and every Year, until the whole Sum of *Fourteen Thousand Pounds* aforesaid shall be paid off and redeemed, that then, and in such Case, the Deficiency shall be paid and satisfied by a just and proportionable Rate and Tax, to be laid, assessed and levied on all Estates, real and personal, within the said City of *Philadelphia*, District of *Southwark*, and Townships of *Moyamensing*, *Passyunk*, and the *Northern Liberties*, by the same Persons, and under the same Penalties, to be recovered in the same Manner, and in the same Proportions, in the said City, District and Townships, as the Sums to be raised for the Relief of the Poor are or shall be at the Time laid, assessed and levied; and when so levied, to be paid to the Treasurer of the said Contributors, to be by him applied to the Payment and Discharge of the Residue of the said Bills of Credit; and that the Mayor, Recorder, and any two Aldermen of the said City, and three Justices of the County of *Philadelphia*, upon such Deficiency appearing to them, from the Accounts of the said Managers, which shall be laid before them for that Purpose, shall forthwith certify the same in Writing, under their Hands, to the Overseers of the Poor of the said City, District and Townships respectively, in order that the said Deficiency may be laid, assessed and levied, in Manner aforesaid.

IX. *AND be it enacted by the Authority aforesaid*, That the said Treasurer, upon such Payment and Discharge of every of the said Bills of Credit, shall receive the same of the respective Bearers, and yearly, as they come to his Hands, deliver them over to such Committee of Assembly for the Time being, as shall be appointed to settle the Public Accounts, to be by them burnt, sunk and destroyed.

X. *AND be it further enacted by the Authority aforesaid*, That the said Treasurer shall, and he is hereby enjoined and required, in the paying off and discharging the said Bills, to receive in Exchange all such of the same as are torn, ragged and defaced, and tendered to him for that Purpose.

XI. *AND be it further enacted by the Authority aforesaid*, That so much of the said recited Acts of General Assembly, as is hereby altered and supplied, shall be, and is hereby declared to be repealed, null and void, and that the Residue thereof shall be and remain in full Force and Virtue, to all Intents and Purposes, as if this Act had never been made.

Passed February 18, 1769.

C A P. II.

An ACT for raising the Sum of *Sixteen Thousand Pounds*, for the Support of the Government of this Province, and Payment of the Public Debts, and other Purposes therein mentioned.

Passed February 18, 1769.—Recorded A, Vol. V. p. 303.

C A P. III.

An ACT for raising, by Way of Lottery, the Sum of *One Thousand Six Hundred and Eighty-seven Pounds, Ten Shillings*, to be applied to the Payment of the Arrears of Debt due for the erecting and finishing the *German Reformed Church*, and the *German Lutheran Church* in *York-Town*, and for the Payment of the Arrears of Debt due for the erecting and finishing the *German Lutheran Churches* at *Heidelberg* and *Lebanon*, both of *Lancaster County*.

Passed February 18, 1769.—Recorded A, Vol. V. p. 290. &c.

C A P. IV.

An ACT for the Sale of a Church in the City of *Philadelphia*, to pay the Debts now due for building the same, and distributing the Residue of the Purchase Monies, arising from such Sale, among the several Persons who have been obliged to advance Monies on Account of the said Church.

Passed February 18, 1769.—Recorded A, Vol. V. p. 314.

C A P. V.

An ACT for raising, by Way of Lottery, the Sum of *Three Thousand and Ninety-nine Pounds, Twelve Shillings*, for the Use of the First and Third *Presbyterian Churches*, and of the Second *Presbyterian Church* in the City of *Philadelphia*, and of the *German Reformed Church* in the Township of *Worcester*.

Passed February 18, 1769.—Recorded A, Vol. V. p. 283.

C A P. VI.

An ACT to enable the Owners and Possessors of the *Wicacoa* and *Moyamensing Meadows* to erect a Dam across *Hollanders-Creek*, near its Junction with *Hay-Creek*, and for other Purposes therein mentioned.

Passed February 18, 1769.—Recorded A, Vol. V. p. 319.

C A P. VII.

An ACT to enable the Owners and Possessors of a certain Tract of Marsh and Meadow Land, therein described, situate in the Township of *Kingsefs*, in the County of *Philadelphia*, to keep the Banks, Dams, Sluices and Flood-gates, in Repair, and to raise a Fund to defray the Expence thereof.

Passed February 18, 1769.—Recorded A, Vol. V. p. 273.

C A P. VIII.

An ACT for ascertaining the Securities to be given by the Provincial Treasurer, for the Time being, for the faithful Performance of his Trust.

Preamble.

WHEREAS it is rendered expedient for the Public Security, from the large Sums of Money which are, by sundry Laws, directed to be paid into the Hands of the Provincial Treasurer for the Time being, that the said Treasurer should give Sureties in higher Penalties for the faithful Discharge of his Duty, than have been heretofore accustomed or enjoined by Law; BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Provincial Treasurer, already appointed, within One Month after the Publication of this Act, and every Provincial Treasurer hereafter to be appointed, shall, before he shall enter upon the Duties of his Office, become bound in an Obligation, with two or more sufficient Sureties, to be approved of by the Governor of this Province for the Time being, in the Sum of *Twenty Thousand Pounds*, lawful Money of this Province, conditioned for the true and faithful Performance and Execution of the Duties and Trust, enjoined and required by Law to be performed and executed by the Provincial Treasurer; and that the said Obligations, and every of them, shall be taken in the King's Name, and entered upon Record in the Office for recording Deeds in the County of *Philadelphia*.

Provincial
Treasurer,
with two
Sureties, to
become
bound in an
Obligation
for 20,000l.

II. AND

II. *AND be it further enacted by the Authority aforesaid*, That the said Provincial Treasurer for the Time being shall, once in Three Months, if required by the Committee of Assembly, annually appointed for settling the Public Accounts, deliver to them all such Bills of Credit, as shall from Time to Time come into his Hands, and are by Law directed to be burnt, sunk and destroyed, in order that the same may be burnt, sunk and destroyed, by the said Committee.

Treasurer to deliver Bills to the Committee of Public Accounts, &c.

III. *AND be it further enacted by the Authority aforesaid*, That so much of the Act of General Assembly, passed in the Twenty-ninth Year of the Reign of His late Majesty GEORGE the Second, intituled, *An Act for granting the Sum of Sixty Thousand Pounds for the King's Use, and for striking Fifty-five Thousand Pounds thereof in Bills of Credit, and to provide a Fund for sinking the same*; and of the Act of General Assembly, passed in the Thirtieth Year of His said late Majesty's Reign, intituled, *An Act for striking the Sum of Thirty Thousand Pounds in Bills of Credit, and giving the same to the King's Use, and for providing a Fund to sink the Bills so to be emitted, by laying an Excise upon Wine, Rum, Brandy, and other Spirits*, as relates to the Sureties to be given by the Provincial Treasurer, shall be, and the same is hereby declared to be repealed, null and void.

Part of former Acts repealed.

Passed February 18, 1769.

C A P. IX.

An ACT to prevent Persons from settling on the Lands, within the Boundaries of this Province, not purchased of the *Indians*.

WHEREAS many disorderly Persons have presumed to settle upon Lands not purchased of the *Indians*, which has occasioned great Uneasiness and Dissatisfaction on the Part of the said *Indians*, and have been attended with dangerous Consequences to the Peace and Safety of this Province; For Remedy of which Mischief in future, BE IT ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Person or Persons, after the Publication of this Act, either singly, or in Companies, shall presume to settle upon any Lands, within the Boundaries of this Province, not purchased of the *Indians*, or shall make, or cause any Survey to be made, of any Part thereof, or mark or cut down any Trees thereon, with Design to settle or appropriate the same to his own, or the Use of any other Person or Persons whatsoever, every such Person or Persons so offending, being legally convicted thereof in any Court of Quarter Sessions of the County where such Offenders shall be apprehended (in which said Court the said Offences are hereby made cognizable) shall forfeit and pay, for every such Offence, the Sum of *Five Hundred Pounds*, and suffer Twelve Months Imprisonment, without Bail or Main-prize; and shall, moreover, find Surety for his good Behaviour during the Space of Twelve Months, from and after the Expiration of the Term of such Imprisonment; one Moiety of the said Sum of Money to the Prosecutor, and the other Moiety to the Overseers of the Poor of the City or Township where such Offender shall be apprehended, to the Use of the Poor thereof.

Preamble.
Penalty on Persons making Surveys, &c. of Lands not purchased, &c.

Passed February 18, 1769.

C A P. X.

An ACT to enable the Recorder of Deeds for the City and County of *Philadelphia*, to receive into his Custody the antient Books and Records of the Corporation of *Germantown*.

WHEREAS the late Honourable WILLIAM PENN, Esquire, Proprietary of this Province, by his Charter, bearing Date the Twelfth Day of *August*, in the Year of our Lord One Thousand Six Hundred and Eighty-nine, did

Preamble.

did incorporate divers Persons therein mentioned, by the Name of "The Bailiff, Burgesies and Commonalty of *Germantown*, in the County of *Philadelphia*, in the Province of *Pennsylvania*," and, among other Powers and Authorities, grant unto the said Corporation a Right to hold Courts of Record. And whereas the said Persons did assume on themselves, and exercise the said Powers and Authorities, and held the said Courts of Record, until the Year One Thousand Seven Hundred and Seven, and afterwards, and ever since, have altogether ceased from the Exercise thereof, or of any of them: And whereas, during the Exercise of the said Powers and Authorities, divers Judgments given, and Orders and Regulations made in Pursuance thereof, were entered on Record, and sundry Deeds, Conveyances and other Writings, were recorded in the Books of the said Corporation; and it is expedient and necessary, for the Benefit and Security of the Persons, whose Interest and Estates are concerned in the Preservation of the said Records, that they should be deposited in the Care of a proper Officer, legally authorized to give Exemplifications and Copies thereof; BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the said Books shall, immediately after the Publication hereof, be deposited in the Office for recording of Deeds in the County of *Philadelphia*. And the Record or Entry of any such Judgment, Order or Regulation, and of all Deeds, Conveyances and other Writings, in the same Books contained, or Exemplifications or Copies thereof, being examined by the Recorder of Deeds for the City and County of *Philadelphia*, and certified under his Hand and Seal of Office, which he is hereby enjoined to put and affix thereto, shall be allowed, deemed and taken, and are hereby declared to be as good Evidence, and as valid and effectual in Law, as the Originals themselves, and the same may be pleaded, given in Evidence, and made Use of accordingly.

Exemplifications, &c. certified by the Recorder, to be valid.

Passed February 18, 1769.

C A P. XI.

An ACT to dissolve the Marriage of *Curtis Grubb*, of the County of *Lancaster*, Iron-master, with *Ann* his Wife, late *Ann Few*, and to enable him to marry again.

Passed February 18, 1769.—Recorded A, Vol. V. p. 312.

C A P. XII.

An ACT for the Relief of *James Green*, *Benjamin Davis*, and *Paul Riffet*, languishing Prisoners in the Goal of *Philadelphia*, with respect to the Imprisonment of their Persons.

Passed February 18, 1769.

C A P. XIII.

An ACT for a new Regulation of the Allotments of Banks, Dams, Sluices and Flood-gates, belonging to the *Tinicum* Company, Owners and Possessors of drained Meadow Land in the Township of *Ridley*, in the County of *Chester*.

Passed February 18, 1769.—Recorded A, Vol. V. p. 308.

C A P. XIV.

An ACT to enable the Commissioners therein after named to settle the Accounts of the Managers, and to sue for and recover of them, their Executors or Administrators, such Sums of Money as are now due and unpaid on Account of the Lottery, set up and drawn for erecting a new School-house for the *High Dutch Reformed* Congregation, and for enabling the Vestry and Wardens of *St. James's Church*, in the Borough of *Lancaster*, to compleat the Work by them begun; and also to enable the Managers to sue for, and recover Money due to them for the Sale of Tickets in the said Lottery.

Passed February 18, 1769.—Recorded A, Vol. V. p. 317.

C A P. XV.

A SUPPLEMENT to an Act, intituled, *An Act for erecting Part of the Counties of Philadelphia, Chester and Lancaster, into a separate County.*

WHEREAS by the said Act of General Assembly of this Province, passed ^{Preamble.} in the Twenty-fifth Year of his late Majesty's Reign, intituled, *An Act for erecting Part of the Counties of Philadelphia, Chester and Lancaster, into a separate County*, it is enacted, that the Boundaries of the said County shall be as follow; to wit, "By a Line, at the Distance of ten superficial Miles South-west, from the Western Bank of the River *Schuylkill*, opposite to the Mouth of a Creek called *Monocasy*, to be run North-west, to the Extremity of the Province, and South-east, until it shall intersect the Line of *Chester* County; then on one strait Line, crossing the River *Schuylkill* aforesaid, to the upper or North-westward Line of *M^cCall's Manor*; then along the said Line to the Extremity thereof, and continuing the same Course to the Line, dividing *Philadelphia* and *Bucks* Counties; then along the said Line North-west to the Extent of the County aforesaid." And whereas *Edward Scull*, *Benjamin Lightfoot*, and *Thomas Cookson*, or a Majority of them, were required, authorised and enjoined, by the said Act, within six Months after passing the same, to run out and mark the said Boundary Lines. And whereas the said North-west Line, dividing the Counties of *Lancaster*, *Cumberland* and *Berks*, and the Line dividing the said Counties of *Berks* and *Northampton*, were left imperfect and unfinished, they, the said *Edward Scull*, *Benjamin Lightfoot*, and *Thomas Cookson*, not having continued the said Line further than the Settlement at that Time made. And whereas many Inhabitants are now settled, and new Settlements making beyond the said Lines, and Disputes have arisen, and are likely to arise concerning the true Limits and Bounds of the said Counties of *Lancaster*, *Cumberland*, *Berks* and *Northampton*, by reason that the Boundary Lines aforesaid have not been compleated. Now, to the End that the true Boundaries between the said Counties respectively may be ascertained and known, and all Disputes concerning the same settled and removed; BE IT ENACTED by the Honourable JOHN PENN, Esquire, Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That it shall and may be lawful to and for *William M^cClay*, *William Scull*, and *John Biddle*, junior, or a Majority of them, and they are hereby enjoined and required, within the Space of Nine Months next after the Publication of this Act, to assemble themselves together, and to extend, run and mark out, by actual Survey, the Boundary Lines between the said Counties of *Lancaster*, *Cumberland* and *Berks*, and between the said County of *Berks* and the County of *Northampton*, by continuing the said due North-west Course, from the South-east Ends of the Lines already run between the said Counties respectively, as far as the Lands lately purchased by the Honourable the Proprietaries of this Province from the *Indians* do extend; and that the Costs, Charges and Expences of running, surveying and marking out the said Line, so far as the same shall run between the said Counties of *Lancaster* and *Berks*, shall be paid equally by and between the said Counties of *Lancaster* and *Berks*; and that the Costs, Charges and Expences of running the said Line, so far as the same shall extend between the said Counties of *Cumberland* and *Berks*, shall be paid equally by and between the said Counties of *Cumberland* and *Berks*; and that the Costs, Charges and Expences of running, surveying and marking the said Line, between the Counties of *Berks* and *Northampton*, shall be equally paid by and between the said Counties of *Berks* and *Northampton*, out of their respective County Stocks. And to that End so much Money, as shall be necessary for the Purposes aforesaid, shall be assessed, levied and raised by the Commissioners and Assessors of the said Counties respectively, in such Manner, and under such Penalties, as other Public Money, for the Use of the said Counties, by Law is directed to be assessed, levied and raised.

Persons appointed to run and mark out the Boundary Lines, &c.

Surveyors,
&c. Allow-
ance for their
Trouble.

II. *AND* be it further enacted by the Authority aforesaid, That each of the said Surveyors, for running and surveying the said Lines, shall have and receive for their Trouble the Sum of *Twenty Shillings per Diem*, and no more; and that each and every other Person, who shall be necessarily employed in carrying the Chain, or clearing the Way for the said Surveyors, shall have and receive *Five Shillings per Diem*, and no more.

Suits, &c.
commenced
in either of
the Counties
of Lancaster,
Cumberland,
Berks or
Northampton,
not to be dis-
continued by
this Act, &c.

III. *PROVIDED* always, That no Action or Suit now commenced or depending in either of the Counties of *Lancaster, Cumberland, Berks* or *Northampton*, against any Person living within the Bounds of the said County of *Berks*, by this Act intended to be run and ascertained, shall be discontinued or stopped by this Act, or any Thing herein contained, but that the same Actions, already commenced or depending, shall and may be prosecuted, and Judgment thereupon rendered, and Execution awarded, in the same Manner, and to the same Effect, as if the said Actions had been commenced in the proper County; and that all Taxes already laid within the Bounds of the said County of *Berks*, hereby intended to be run and ascertained, which are not already collected and paid, shall be collected by the respective Collectors, and paid into the Hands of the respective Treasurers of the Counties where such Taxes were laid; and that all Persons concerned in the levying, receiving and paying the said Taxes, shall have the same Power and Authority, and be under the same Penalties and Restrictions, for collecting and paying the same, as if the said Taxes had been assessed and laid by the Commissioners and Assessors of the proper County, any Thing in this Act, or the Act to which this Act is a Supplement, to the contrary, in anywise notwithstanding.

Passed February 18, 1769.

C A P. XVI.

An ACT for regulating, pitching, paving and cleansing the Highways, Streets, Lanes and Alleys; and for regulating, making and amending the Water Courses, and Common Sewers, within the inhabited and settled Parts of the City of *Philadelphia*; for raising of Money to defray the Expences thereof, and for other Purposes therein mentioned.

Preamble.

WHEREAS the paving the Streets, Lanes and Alleys, within the inhabited and settled Parts of the City of *Philadelphia*, so far as they have been already paved, and the keeping the same clean, hath greatly contributed to the Preservation of the Health of the People inhabiting therein, and resorting thither. And whereas the Law for effecting these good Purposes is near expiring, and divers Streets, Lanes and Alleys, within the said City, remain yet unpaved; *B E I T E N A C T E D* by the Honourable JOHN PENN, Esquire Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle, Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That *Thomas Say, Henry Lisle, Thomas Tilbury, Henry Drinker, Samuel Bryan, and John Mifflin*, are hereby nominated and appointed Commissioners for paving and cleansing the said Streets; and that the said *Thomas Say, and Henry Lisle*, shall continue in their respective Offices until the Second Day of *October* next; and that *Thomas Tilbury, and Henry Drinker*, shall continue in their respective Offices during the Space of One Year, from the said Second Day of *October* next; and that *Samuel Bryan, and John Mifflin*, shall continue in their respective Offices during the Space of Two Years, from and after the Second Day of *October* next ensuing the Publication of this Act. And in order to keep up a Succession of Persons in the said Offices, to execute and perform the several Duties, Matters and Things, by this Act enjoined and required, *Be it further enacted by the Authority aforesaid*, That the Freeholders and Inhabitants of the said City, qualified to elect, or to be elected Members of Assembly, at the Time and Place of their electing Burgesses to serve

Names of the
Commission-
ers.

Time of their
continuing
in Office.

serve in Assembly, shall then and there yearly, during the Continuance of this Act, in a peaceable Manner, choose two Persons for Commissioners for paving and cleansing the Streets of the said City, to serve in the Room and Stead of the Commissioners, whose Office shall end and terminate at that Time, and to join with the four remaining Commissioners, in the Execution and Performance of the Duties and Services enjoined them by this Act, in Manner following; that is to say, the said Freeholders, at the Time they deliver in their Tickets for the Choice of Burgeffes, shall also deliver in Writing, in one other Piece of Paper, to the Judges of the Election, the Names of two Persons, to be Commissioners as aforesaid; and when all the Electors appearing shall have delivered in their respective Tickets, the Sheriff, and Judges of the said Election, shall take an Account thereof, and publish the Persons duly elected to the Service and Office aforesaid, in like Manner as by Law is directed in Cases of Elections of Representatives to serve in the General Assembly of this Province; which Commissioners, so from Time to Time to be chosen, shall be the Commissioners to serve in the Room and Stead of the Persons whose Offices shall determine at the Time of their Election, and shall remain in their said Offices during the Space of three Years; and when the said Commissioners shall from Time to Time be so chosen, the Sheriff of the County of *Philadelphia*, or others the Judges of the said Election, then and so often, shall take their Names in Writing, under the Hands and Seals of at least four or more of the said Freeholders, and certify the same to the Clerk of the Mayor's Court of the said City, for the Time being, that by him the same may be entered among the Records of the said Court. But before any of the said Commissioners herein nominated and appointed, or hereafter to be chosen by Virtue of this Act, shall take upon him or themselves the Services and Duties by this Act enjoined and required, they and each of them shall take an Oath or Affirmation, of the Tenor and Effect following; that is to say, *That they will well and truly cause the Debts arising by Virtue of this Act to be speedily adjusted, and the several Sums of Money hereby imposed to be duly collected, and applied to the Purposes by this Act intended, and to no other Purpose; and that they will diligently attend, and faithfully discharge the Duties and Services enjoined them by this Act, during their Office of Commissioners as aforesaid, according to the best of their Skill and Abilities.*

Manner of
choosing two
Commission-
ers yearly,
&c.

Commission-
ers Qualifi-
cation.

II. *AND be it further enacted by the Authority aforesaid,* That the said Commissioners, or a Majority of them, as soon as conveniently may be after the Publication of this Act, and so from Time to Time, as often as there may be Occasion, shall meet together at some convenient Place in the said City, and then and there consult together, respecting the best Method and Manner of paving and keeping clean such of the Streets and Public Lanes and Alleys of the said City, as are within the inhabited and settled Parts thereof; and of amending and repairing the Common Sewers of the said City already made; and of making, amending and repairing such as shall hereafter be made, for discharging and carrying off the Water into the River; and of making, amending and repairing the public Streets, Roads and Highways, within the said City, leading from any of the public Roads in the Country to the paved and regulated Parts of the said Streets; and contract with any Person or Persons for Sand, Stone, Gravel, or any other Materials, convenient and necessary for the Uses and Purposes aforesaid; and to contract, agree with, and hire such a Number of Pavers and Workmen, as they shall judge necessary and proper to be employed, from Time to Time, in and about the Premises; and to agree on, execute, and perform every other Act, Matter and Thing, which to them shall appear necessary for the effectual paving and keeping clean the said Streets, Lanes and Alleys, when paved, and other Purposes aforesaid, from Time to Time, and at all Times hereafter.

Commission-
ers to meet
and consult,
respecting the
best Method
of keeping
clean the
Streets, &c.

III. *AND be it enacted by the Authority aforesaid,* That the Mayor or Recorder of the said City, and any four of the Aldermen, together with the Commissioners aforesaid, or a Majority of the said Commissioners, shall meet together, as often as Occasion may require, at some convenient Place in the said City, and then and there consider, determine and agree on, which of the said Streets, and public Lanes and Alleys, within the inhabited and settled Parts of the said City, shall be first paved, having Regard to the Streets that are most used by

Mayor or Re-
corder, &c.
to meet the
Commission-
ers, and agree
which of the
Streets shall
be first paved.

by the Country in bringing their Produce and Effects to Market, which are hereby directed to be first paved.

Who are to direct the Descent of Water Courses, &c.

IV. *AND be it enacted by the Authority aforesaid*, That the said Mayor or Recorder, and four Aldermen, together with any four of the Regulators of the said City, for the Time being, shall appoint and direct the Regulation of the said Streets, Lanes and Alleys, and Common Sewers, with the Degree of Descent of each Water Course. *Provided always*, That no Common Sewer or Water Course, to be laid out, shall be so regulated and laid out, as to run through any Lot or Ground belonging to any private Person or Persons, unless the same shall be agreed to and approved of by at least four of the said Commissioners; and in every such Case, that the Damages sustained, or to be sustained by reason thereof, by such private Owner or Owners, shall be valued and appraised by two indifferent Persons, one of them to be chosen by the said Commissioners, and the other by such Owner or Owners; and also that the said Damages shall be paid to such Owner, by Order of the said Commissioners, out of the Monies arising by Virtue of this Act.

And regulate the Common Sewers.

V. *AND be it further enacted by the Authority aforesaid*, That the said Mayor or Recorder, Aldermen and Regulators, shall have full Power and Authority to enter upon the Lots, Grounds and Possessions of any Person or Persons, Bodies Politic or Corporate, through which the said Common Sewers do or ought to run, to regulate them, and the said Commissioners to make, amend and repair the same; provided that such Common Sewers be regulated, made, amended and repaired, with as little Detriment and Injury as may be to the said Owners and Possessors of such Lots, Grounds and Possessions.

Penalty on Persons obstructing the Common Sewers.

VI. *AND be it enacted by the Authority aforesaid*, That if any Person or Persons whatsoever shall wilfully stop up or obstruct the Passage of the Waters of any of the Common Sewers already made, or hereafter to be made, within the said City, he or they so offending shall forfeit and pay, for every such Offence, any Sum not exceeding the Sum of *Twenty-five Pounds*.

Commissioners to employ Scavengers, &c.

VII. *AND be it enacted by the Authority aforesaid*, That the said Commissioners, or a Majority of them, from Time to Time, shall employ, hire, and agree with proper and capable Persons, to clean the Cart-way of the said Streets, Lanes and Alleys, which have been heretofore, or shall be so paved as aforesaid, and to remove and carry off from thence all Mud, Dirt, and other Filth there found, that shall or may incommode the Inhabitants, in such Manner and Form, and at such Time or Times, as they the said Commissioners, or a Majority of them, with the Mayor or Recorder, and any four of the Aldermen aforesaid, shall direct and appoint; which said Persons, so agreed with and employed, shall take upon themselves the Office and Duty of Scavengers, pursuant to their respective Agreements aforesaid, under the Penalty of *Five Pounds* for every Neglect or Refusal; and if any such Scavenger shall neglect or refuse to carry off and remove all and every Part of the Mud, Mire, Dirt, and other Filth, found in the Streets, Lanes and Alleys aforesaid, agreeable to his Contract with the said Commissioners, he shall forfeit and pay any Sum, not exceeding *Twenty Shillings*, for every such Offence.

Occupiers of Houses and Lots, Sextons, &c. to cause their Brick Pavements to be swept weekly.

VIII. *AND be it further enacted by the Authority aforesaid*, That the Inhabitants and Occupiers of the Houses and Lots, and the Sextons, Porters, or other Keepers of Churches, Meeting-houses, Academies, Schools, and other public Buildings and Burying-grounds, fronting the paved Streets, Lanes and Alleys, within the said City, shall rake and sweep into the Cart-way the Dirt, Soil, and other Filth, to be found on the Brick Pavement or Foot-way, before their respective Houses, Lots or Dwellings, or cause the same to be done, once at least in every Week; that is to say, on every *Friday*, when the Snow or Ice on the said Pavements does not prevent, that it may be removed by the said Scavengers on the same Day, or the Day following, under the Penalty of any Sum, not exceeding *Five Shillings*, for every Neglect or Refusal.

Penalty on Persons laying Shavings, Ashes, Dung, &c. on any Pavement.

IX. *AND be it further enacted by the Authority aforesaid*, That no Person or Persons whatsoever shall cast or lay, or cause to be cast or laid, any Shavings, Ashes, Dung, or other Filth or Annoyance, on any Pavement within the said City, under the Penalty of any Sum, not exceeding *Twenty Shillings*, for every such Offence; but every such Person and Persons, having such Shavings, Ashes, Dung

Dung or other Filth, shall keep the same in some other Place, until the Scavenger shall attend with his Cart to carry off the same, which he is hereby enjoined to do once in every Week, at least, if required, at the Door of every such Person, under the Penalty of *Five Shillings* for every Refusal, and to take and receive the same into his Cart, and to remove the same out of the inhabited Parts of the said City, under the Penalty of *Five Shillings* for every Neglect or Refusal: *Provided always, and be it enacted*, that every such Person having such Mud, Dung, Ashes or other Filth, so to be carried off, shall pay to every such Scavenger, for all such Filth, and no other, as shall be occasioned by, or arise from his particular Trade, Business or Occupation, and is not incident to common House-keeping, at such Rate as shall be from Time to Time settled and ascertained by the said Commissioners, unless he, she or they shall choose to carry off the same at his, her or their own Expence, in another Manner.

X. *AND be it enacted by the Authority aforesaid*, That if the Owner of any House or Lot, which shall be rated and assessed by Virtue of this Act, or before whose Front the Foot Pavement shall be hereafter directed to be paved, amended or repaired, by the said Mayor or Recorder, and Aldermen and Commissioners, as aforesaid, shall not reside within the said City, the Tenant or Person occupying the same, shall pay his, the said Owner's Rate and Assessment, and pave and repair the Foot-way before the Front of his Possession, as by this Act is directed; and the Taxes paid in Pursuance of this Act, and the Money expended by such Tenant in paving and repairing the Foot-way aforesaid, in Obedience to the Order of the Mayor or Recorder, and four of the Aldermen, with any four of the Commissioners, as aforesaid, shall be allowed by the Owner and defalked by the Tenant out of the Rent then due, or thereafter to become due, any Law, Usage or Custom, to the contrary notwithstanding; and if any Owner of any House and Lot, before whose Front the Cart-way shall be paved, in Pursuance of this Act, or if any Tenant of any such House or Lot shall refuse or neglect to pave and repair the Foot-way agreeable to the Direction and Order aforesaid, every such Owner, if a Resident within the said City, and every such Tenant of such non-resident Owner, shall forfeit and pay for every Foot fronting his Possession, so neglected to be paved, the Sum of *One Shilling*; and that the said Commissioners, or a Majority of them, shall make, amend and repair the same, out of the public Monies by this Act directed to be raised, and shall recover the same of such resident Owner, or Tenant of such non-resident Owner, respectively, as the Case may require, in a summary Way, before the Mayor, Recorder, or any Alderman of the said City, in the same Manner as Debts, not exceeding *Five Pounds*, are by Law directed to be recovered by the Justices of the Peace of the respective Counties within this Province.

Assessment of non-resident Owners, to be paid by the Tenant, who may deduct the same out of his Rent, &c.

XI. *AND for defraying the Expences and Charges arising by Virtue of this Act, Be it enacted by the Authority aforesaid*, That it shall and may be lawful to and for the Commissioners aforesaid, or a Majority of them, together with the City Assessors for the Time being, or a Majority of them, to meet as soon as they conveniently can, after the Publication of this Act, and on the Sixth Day of *October* yearly, and every Year, unless the same shall happen to be on a *Sunday*, and then on the Day following, at the Court-house of the said City, or some other convenient Place; and then and there to estimate and determine, what Sum and Sums of Money shall be necessary to be raised and levied on the Inhabitants of the said City, for answering the Purposes by this Act intended.

Commissioners, &c. to meet, and estimate the necessary Sums yearly.

XII. *AND be it further enacted by the Authority aforesaid*, That the said Commissioners, or any four of them, shall, within Ten Days after such Estimate is made, issue forth their Precepts, directed to the Constables of the said City, requiring them to bring to the said Commissioners and Assessors, within Fifteen Days next after the Date of such Precept, fair and true Certificates in Writing, upon their legal Qualifications (which the said Commissioners are hereby empowered to administer) of the Names and Surnames of all and every the Persons dwelling or residing within the Limits of their Wards, and the Names of all Freemen, Inmates, hired Servants, and all other Persons residing or sojourning in every of the said Wards, together with an Account of what Houses, Lands, Tenements, Rent-charges, bound Servants and *Negroes*, with their Ages, they respectively hold or possess in such Ward, without Concealment, Fear, Malice,

And issue Precepts to the Constables, to bring in Certificates of all Persons residing within their Wards, &c.

Favour or Affection, upon Pain of Forfeiture of any Sum not exceeding *Five Pounds*, to be levied as by this Act is appointed; and every of the said Constables shall have and receive, from the Treasurer hereafter to be appointed, *Two-pence per Pound*, out of the Sums to be collected from the Inhabitants by them returned, for their Care and Trouble in executing and returning the said Precepts in Manner aforesaid: And that the said Commissioners and Assessors, or a Majority of them, shall meet at the Day and Place where the said Precepts shall be made returnable, and then and there receive the Constables Returns: And that the said Assessors shall thereupon, by the legal Qualifications of the said Constables, or other credible Persons, or by any other lawful Ways or Means, inform themselves what Persons and Estates in the said City are rateable by Virtue of this Act, and shall forthwith equally and impartially assess themselves, and all others rateable as aforesaid, having a due Regard to such as are poor, and have a Charge of Children; and exempting out of such Assessments all single Men, who, at the Time of Assessment, are under Twenty-one Years of Age, or have not been out of their Servitude or Apprenticeship Twelve Months; and all transient Persons and Strangers, who shall have any Goods and Merchandize for Sale in the said City, shall, for such Goods and Merchandize, be rated in Proportion to the said Inhabitants: And the said Assessors, for their Time and Labour in the Premises, shall be allowed *Two-pence per Pound* for the whole Sums assessed, after the Assessment is rectified and adjusted by the Commissioners, according to the Direction of this Act, to be paid by the Treasurer herein after appointed, and to be equally divided amongst them; which said Poundage shall be to the Assessors for the Time being, in full Satisfaction for all Services and Attendances required of them by this Act.

Assessments
not to exceed
Three-pence
in the Pound,
&c.

XIII. *PROVIDED* always, That no such Assessment or Assessments, to be made by Virtue of this Act, in any one Year, shall exceed the Value of *Three-pence* in the Pound; and that no Person shall be chargeable, within the Intent and Meaning of this Act, unless he be assessed at *Eight Pounds*, or upwards: And that they the said Assessors, and each of them, shall, before they take on themselves the Duties enjoined and required by this Act, take a legal Qualification to the Effect following; that is to say, *That they will well and truly cause the Rates and Sums of Money by this Act imposed, to be duly and equally assessed and laid, to the best of their Skill and Knowledge, and therein shall spare no Person for Favour or Affection, nor grieve any for Hatred or Ill-will; and that they and each of them, the said Assessors, will diligently attend, and faithfully execute the said Office, during the Term of their Continuance therein, according to the best of their Abilities and Judgment; which Qualification the Mayor or Recorder, or any two of the Aldermen aforesaid, are hereby impowered and required to administer, and to certify the same to the Clerk of the Sessions of the Peace of the said City, to be by him filed among the Records and Papers of his Office.*

Commission-
ers and Asses-
sors to ap-
point a
Clerk.

XIV. *AND* be it further enacted by the Authority aforesaid, That the said Commissioners and Assessors, the better to enable them to discharge the Duties enjoined them by this Act, shall choose and employ a fit and able Person for their Clerk, who shall, in Books to be provided for that Purpose by the Commissioners, make such Entries, and keep such Accounts, as he shall be directed to do by the Commissioners and Assessors, or a Majority of them, from Time to Time; and shall also make such Entries, and keep such Accounts, as he shall be required to do by the Commissioners, or a Majority of them, of all such Matters and Things enjoined them by this Act; and also to do and perform all other Duties by him to be done in Pursuance of this Act, for which he shall be allowed such a reasonable Reward as the said Commissioners, or any four of them, shall appoint, which shall, by an Order from the said Commissioners, or any four of them, be paid him by the Treasurer.

Assessors to
appoint fit
Persons to be
Collectors,
&c.

XV. *AND* be it further enacted by the Authority aforesaid, That the said Assessors shall, after the Assessments made as aforesaid, appoint one or more fit Person or Persons to be Collector or Collectors of the said Assessments from Time to Time, and shall cause fair Duplicates of the Assessments to be drawn; one Part thereof shall be by the Clerk delivered to the Commissioners, and the other Part to the Collector or Collectors, with Directions under the Hands of four or more of the

the Commissioners to every such Collector, indorsed on his Duplicate, or annexed thereunto, requiring him or them to demand of the Parties the respective Sums of Money wherewith they are chargeable, and acquaint them of the Day of Appeal, which shall be appointed by the said Commissioners within Thirty Days after the Assessments are made; but where any of the said Collectors cannot meet the Party of whom Demand is to be made as aforesaid, he or they shall leave Notice in Writing with some of the Family, or at the Place of the Party's last Abode, signifying also the Day of Appeal, at which Day the said Collector or Collectors shall return their Duplicates, with the Names of such Persons, and Value of such Estates, as shall be concealed, undervalued or omitted in the Constables Returns; and if any Person or Persons shall find him, her or themselves aggrieved with any of the said Assessments, supposing the same to be unequal, he, she or they may appeal to the Commissioners aforesaid: And the said Commissioners are hereby required to meet on the said Day of Appeal, where the Assessors shall attend, and lay before the Commissioners all the written Certificates of the Names of the Taxables, and the Account of their Estates returned by the Constable, as this Act requires, together with the particular Valuation set by the said Assessors upon the Persons and Estates so returned; whereupon the Commissioners shall take due Notice thereof, and may, if they think proper, examine the Persons appealing, upon their legal Qualification, concerning the Cause of their Appeal (which Qualification they are hereby authorized to administer) and upon such Examination, or other Proof, they are hereby impowered to diminish or add to such Person's Rate or Assessment, as to them shall seem just and reasonable, with Power also to call before them such Persons, and take Notice of such Estates, as they find are omitted in the said Assessments, in order to rectify them; and if the Persons so omitted refuse or neglect to appear, and give an Account of the Value of their Estates, they shall be rated and assessed according to their Estates, by the Judgment of the said Commissioners, or a Majority of them: And the said Commissioners, upon hearing the Appeals, shall rectify and adjust the said Assessments, by abating or adding to the Sums contained in the Duplicates; and shall also cause their Collector to give the Parties concerned, where Omissions are supplied, or Additions made to their Assessments, Five Days Notice to appear before the Commissioners, and make their Objections thereunto; and the Clerk shall, within Five Days next after the Day of Appeal, deliver to the Treasurer, herein after directed to be appointed, a true Account of the Sums total which the Collector or Collectors aforesaid shall be charged with pursuant to this Act; and the said Commissioners shall cause their Clerk to draw fair Duplicates of the Assessments so rectified as aforesaid, and deliver them to the Collector or Collectors to be appointed as aforesaid, within Five Days after the said Day of Appeal, with a Warrant annexed thereunto, under the Hands and Seals of four or more of the said Commissioners, requiring him or them forthwith to collect and receive from the Persons assessed, the several Sums in the Duplicates mentioned; and in case any Person or Persons so rated or assessed, by Virtue of this Act, shall neglect or refuse to pay the Sum or Sums so assessed, for the Space of Sixty Days after Demand made as aforesaid, it shall be lawful for the said Collector or Collectors, by Virtue of a special Warrant for that Purpose, signed and sealed by any four or more of the said Commissioners, who shall forthwith grant the same, and shall thereby impower the said Collector or Collectors to call to their Assistance, if Occasion be, any Constable or other Person, and in case of Resistance, to break open in the Day-time any House, Trunk, Box, Chest, Closet, Cupboard or other Things, where any such Offenders Goods, Chattels or Effects, are supposed to be, and make Distress and Sale thereof, rendering the Overplus, if any be, to the Owners, after reasonable Charges deducted; but if no Distress can be found by the Collector or Collectors, and the Party refuses or neglects to shew them Goods or Chattels of his own, forthwith to satisfy the Money due, with reasonable Charges, then the said Assessments to be levied by Imprisonment of the Person, so refusing or neglecting to pay as aforesaid, until the same shall be paid, or on the Goods and Chattels of any of his Tenants, if such there be, and the Delinquent shall be obliged to discount it out of the first Rent that shall afterwards
accrue

accrue from the Estate rented: *Provided always*, That where Effects cannot be found sufficient to answer the whole Sum in Arrear, with Charges as aforesaid, then Distress shall be made for so much as the Effects extend to, and the Party be imprisoned, as aforesaid, only for the Residue thereof, with incident Charges; all which Charges of Distress, Assistance, and bringing to Prison, shall be adjusted and settled by any four or more of the said Commissioners, when such Occasion shall happen.

Collectors to pay the Monies by them received to the Treasurer, once in six Weeks, &c.

XVI. *AND be it further enacted by the Authority aforesaid*, That the said Collector or Collectors shall, once in Six Weeks at least, render a just and true Account of, and bring in and pay unto the Treasurer, herein after directed to be appointed, all such Sums of Money as he or they shall have received, and shall pay the Whole, and every of the Sums of Money assessed in his or their Duplicates, within Six Months next after the Day of Appeal (such Deficiencies as the said Commissioners, or any four of them, shall allow, being first deducted) and the said Treasurer shall give Receipts to the Collectors for what they shall so bring in and pay, from Time to Time; which Receipts shall be the Collectors Discharges for so much; and the said Treasurer shall, from Time to Time, signify in Writing to the said Commissioners, how much every Collector brings in and pays as aforesaid; and when the said Collectors, or any of them, are negligent, or refuse to do their Duty in the Premises, the Treasurer is hereby required forthwith to signify the same, by Way of Complaint, to the Commissioners aforesaid.

Penalty on Collectors for Refusal or Neglect of Duty, &c.

XVII. *AND be it further enacted by the Authority aforesaid*, That if, upon Complaint of the Treasurer to the Commissioners, it shall appear that the said Collector or Collectors, having taken upon him or themselves the Duties enjoined him or them by this Act, shall refuse or neglect to pay the said Sums of Money, which he or they shall be respectively charged to collect, within the Times limited by this Act, every such Collector, so refusing or neglecting, shall forfeit and pay to the Treasurer the Sum of *Five Pounds*, and shall also pay all the Arrearages of such Assessment which he was appointed to collect, to be levied by a Warrant, under the Hands and Seals of the said Commissioners, or any four of them, directed to the Sheriff of the City and County of *Philadelphia*, who is hereby authorised and empowered to execute such Warrant upon the Goods and Chattels of such Collector or Collectors; and in case Goods and Chattels sufficient cannot be found, then to imprison such Collector or Collectors, until Payment be made; and every Collector so distrained on, and having made full Satisfaction as aforesaid, is hereby empowered, without any further Warrant, to distrain for his own Use upon all such as shall neglect or refuse to pay him the Arrearages due.

Collectors Allowance.

XVIII. *AND* the said Collector or Collectors shall, for his or their Trouble and Service by this Act required and enjoined, retain in his or their Hands *Six-pence per Pound*, for all Sums of Money by him or them respectively collected; and if the said Collector or Collectors shall refuse or neglect to take upon him or themselves the Trust and Duty required of him or them, he or they shall forfeit and pay, to the Treasurer herein after mentioned, the Sum of *Five Pounds*, and the said Assessors shall appoint some other fit Person or Persons, in Place or Stead of the Collector or Collectors so refusing or neglecting as aforesaid.

Penalty on Commissioners refusing or neglecting to serve.

XIX. *AND be it further enacted by the Authority aforesaid*, That if any of the said Commissioners appointed by this Act, or those who shall be chosen to succeed them in the said Trust, shall refuse or neglect to take upon him or themselves the Services and Duties hereby required of him or them, he or they, so refusing or neglecting, shall pay to the Treasurer aforesaid *Ten Pounds*; or if any of the said Commissioners shall happen to die, during the Time for which they are appointed or chosen, the other Commissioners and Assessors, for the Time being, or a Majority of them, shall in every such, Case, appoint one or more fit Person or Persons, in Place and Stead of the Commissioner or Commissioners so refusing or dying.

Commissioners Allowance.

XX. *AND* the said Commissioners, for the Services required and enjoined them by this Act, shall be paid by the Treasurer *Five Shillings* each, for every Day's Attendance on that particular Service, which shall be to the Commissioners for the Time being, in full Satisfaction for all the Attendance and Services required of them by this Act.

XXI. *AND*

XXI. *AND be it further enacted by the Authority aforesaid,* That the said Commissioners for the Time being, or the major Part of them, are hereby impowered and required, as often as there may be Occasion, to choose a Treasurer, which Treasurer when so chosen, is hereby impowered and required to receive all the Money arising as well from the said Assessments, as also the Fines and Forfeitures imposed, and other Monies arising by Virtue of this Act; and the said Treasurer shall keep a distinct and fair Account, in a Book to be provided by him for that Purpose, of all the Rates and Assessments made, or to be made, as aforesaid; and also of all Monies by him so received, and also of all Disbursements and Payments he shall make, by Orders from the Commissioners, or any four of them, whose Order to the said Treasurer, from Time to Time, shall be sufficient Discharges for the Payment of such Monies as shall come to his Hands; which Orders the said Commissioners, or any four of them, are hereby authorised and impowered to draw from Time to Time, for the Uses and Purposes in this Act mentioned and specified.

Commissioners to choose a Treasurer.

XXII. *AND be it further enacted by the Authority aforesaid,* That the said Treasurer for the Time being, before he enters upon the Execution of his said Office, is hereby required to give a Bond, with one or more sufficient Sureties, to be by them the said Commissioners approved of, in the Penalty of *One Thousand Pounds*, lawful Money of this Province, with Condition, for the Payment of all such Monies which shall come to his Hands by Virtue of this Act, according to the Orders drawn on him as aforesaid, from Time to Time, and not otherwise, and for the due Performance of his Duty in the Trust hereby committed to him; and the said Treasurer shall yearly bring in his Accounts, and settle the same with the Commissioners aforesaid, or a Majority of them; which said Accounts, so settled and adjusted, shall be laid before the Mayor, Recorder, Aldermen and Grand Jury of the said City, at the General Quarter Sessions of the Peace, to be held for the said City, in the Month of *January* yearly; together with the Books, Receipts and Vouchers, if required; which said Accounts, Books, Receipts and Vouchers, being examined by the Mayor, Recorder, Aldermen and Grand Jury aforesaid, shall be delivered back safely, without Alteration, to the said Treasurer, and a true Copy of the said Accounts, to be made out by the said Treasurer, and delivered to the Court, shall be filed and kept among the Records of the said Court. And the said Treasurer shall be allowed, for his Trouble in keeping such Accounts, and receiving and paying all such Money as shall come into his Hands by Virtue of this Act, at the Rate of *Six-pence* in the *Pound*.

Treasurer to give Security.

His Allowance.

XXIII. *AND be it further enacted by the Authority aforesaid,* That if the said Treasurer shall refuse or neglect to do his Duty, as by this Act is required, he shall be removed from his said Office by any four or more of the said Commissioners; and in case of such Removal, or if the said Treasurer shall happen to die, the Commissioners, or the major Part of them, shall appoint another in his Place, who shall give Security, as herein before directed; and the Treasurer so removed, or the Executors or Administrators of the said Treasurer so dying, shall deliver to the succeeding Treasurer all Books, public Accounts and Papers, belonging to the said Office, whole and entire, and undefaced; and shall likewise pay to the said succeeding Treasurer, all such Sum and Sums of Money as he may have received, or have been paid to him, in Pursuance of this Act, under the Penalty of *Two Hundred Pounds*, to be recovered in the Manner and for the Uses herein after mentioned.

Treasurer to be removed for Neglect of Duty, &c.

XXIV. *AND be it further enacted by the Authority aforesaid,* That all the Penalties, Fines and Forfeitures herein before imposed by this Act, the Manner of levying and recovering of which is not before directed, if they do not exceed the Sum of *Five Pounds*, shall be recovered before one of the Justices of the Peace of and for the said City, and shall be levied by Warrant, under the Hand and Seal of such Justice, or of any other Justice of the Peace of and for the said City, to any Constable of the said City directed, who is hereby impowered and required to execute the same, by Distress and Sale of the Goods and Chattels of the Offender; and where Goods and Chattels sufficient cannot be found, then the Party or Parties offending shall be committed to the common Goal of the said City, there to remain until Payment made: And if such Penalties, Fines and Forfeitures, do

Manner of recovering Fines, &c.

exceed the Sum of *Five Pounds*, then to be recovered by Action of Debt, Bill, Plaint or Information in any County Court within this Province, wherein no Essoin, Protection, or Wager of Law to be allowed; all which Recoveries shall be had in the Name of and by the Treasurer aforesaid, for the Time being, to whom the Sums recovered shall be paid, to be by him applied towards defraying and paying the Charges and Expences arising by Virtue of this Act, to be recovered with Costs of Suit.

Deficiency
in any one
Year's Rate
to be paid out
of the suc-
ceeding
Year's Assess-
ment, &c.

XXV. *AND be it further enacted by the Authority aforesaid*, That in case there be any Deficiency in any one Year's Rate or Assessment to be made as aforesaid, so that all the Wages and Allowances for the Purposes herein before mentioned, and other incident Charges, cannot be fully paid and satisfied in that Year, then, and in such Case, the Deficiency so happening shall be paid out of the next succeeding Year's Rate or Assessment; and if there shall happen to be any Surplus Money collected by such Rates and Assessments in any one Year, such Surplus shall be carried on to the Credit of the Account of the next Year's Rate and Assessment, to be applied to such Use, and in such Manner, as the Rates and Assessments, to be collected as aforesaid, are directed by this Act to be laid out and applied.

Manner of
repaying the
Sum of 8000*l.*
borrowed by
Virtue of a
former Act,
&c.

XXVI. *AND* whereas, in Pursuance of the Power and Authority given in and by Virtue of an Act of Assembly of this Province, intituled, *A Supplement to the Act, intituled, An Act for regulating, pitching, paving and cleansing the Streets, Lanes and Alleys, &c.* passed in the Third Year of his present Majesty's Reign, the Commissioners for cleansing and paving the Streets of the City of *Philadelphia* did borrow, of the Commissioners nominated and appointed in and by a certain Act of Assembly, passed in the Second Year of his present Majesty's Reign, intituled, *An Act for granting to his Majesty the Sum of Twenty-three Thousand Pounds, for the Purposes therein mentioned*, with the Assent and Approbation of the Governor, the Sum of *Eight Thousand Pounds*, for the Uses, Intents and Purposes, mentioned and specified in the said recited Supplementary Act, and gave their Notes and Certificates, in Writing, for the Repayment thereof. And whereas the said Sum of Money so borrowed yet remains unpaid, and the Act which made Provision for the Repayment thereof being repealed and made void by this Act, it is but just and reasonable that the said Lenders should be assured and secured in the Disposition and Application of the said Monies so borrowed, to the Uses, Intents and Purposes, to and for which the same by Law was given and granted to his Majesty, whenever it shall become expedient and necessary; *Be it therefore enacted by the Authority aforesaid*, That the said *Eight Thousand Pounds*, so borrowed as aforesaid, shall be repaid and discharged out of the Monies directed to be raised and levied in and by Virtue of this Act, on or before the First Day of *May*, which shall be in the Year of our Lord One Thousand Seven Hundred and Eighty, or, if the said Sum of *Eight Thousand Pounds* shall be sooner demanded by the Governor of this Province, for the Time being, and the said Commissioners so lending the same, whenever the same shall be demanded; and that the said Commissioners for cleansing and paving the Streets aforesaid, for the Time being, whenever such Demand shall be made as aforesaid, or at the Expiration of the Term before mentioned, which shall first happen, shall draw Orders on the Treasurer appointed, or to be appointed by them, payable to the Provincial Treasurer, for the Discharge and Payment of the said Notes and Certificates, until the Principal Sum of all and every such Note and Certificate shall be fully paid and discharged; but if it shall so happen that, at the Time when the said Sum or Sums of Money shall be demanded as aforesaid, there shall not be in the Hands of the said Treasurer, a sufficient Sum of Money to satisfy and discharge the Sums due on the said Notes and Certificates, then, and in such Case, the said Commissioners for pitching and paving the said Streets, shall, and they are hereby authorised and empowered to borrow and receive, from such Person and Persons as shall be ready and willing to lend and advance the same, all such Sums of Money as shall be requisite and necessary to pay and discharge such Deficiency or Ballance, so remaining unpaid to the Provincial Treasurer aforesaid; which said Lenders shall have and receive for the Use and Forbearance of their respective Loans, until the same shall

shall be paid off, Interest, not exceeding *Six Pounds* yearly for every *Hundred Pounds* so lent; and that the said Lenders shall have and receive a Note and Certificate, in Writing, of and for the Sum lent, with the Interest thereof, signed by the said Commissioners so borrowing the same; which said Note and Certificate shall be registered in a Book by them to be kept for that Purpose; and that the said Lenders shall be paid by the said Commissioners, the Sum or Sums of Money of them respectively borrowed, with the Interest thereof, out of the Monies which shall arise, be collected and paid into the Hands of the Treasurer aforesaid, in and by Virtue of this Act.

XXVII. *AND be it further enacted by the Authority aforesaid*, That all and every Person and Persons, to whom any Money shall be due on Account of the Loan last aforesaid, by Virtue of this Act, his, her or their Executors, Administrators or Assigns, after such Note and Certificate shall be registered as aforesaid, may assign, transfer, and make over, by proper Words of Assignment, to be indorsed on his, her or their Certificate, all his, her or their Right, Title or Interest, of such Note and Certificate, to any other Person or Persons whatsoever; which Assignment shall entitle such Assignee or Assignees, his, her or their Executors, Administrators or Assigns, to the Benefit thereof, and Payment thereon; and such Assignee or Assignees, their Executors, Administrators or Assigns, may in like Manner assign the same again, and so *toties quoties*; and afterwards it shall not be in the Power of such Person or Persons, who hath or have made such Assignment, to make void, release, or discharge the same, or the Monies thereby due.

Lenders may assign their Certificates, &c.

XXVIII. *AND be it further enacted by the Authority aforesaid*, That the Sum and Sums of Money which the Governor of this Province, for the Time being, and the Commissioners aforesaid, have so lent, when the same shall be repaid to the Provincial Treasurer as aforesaid, shall be applied, disposed of, and appropriated, by the same Persons, in the same Manner, and to the same Uses, Intents and Purposes, as if the said Monies had never been lent, any Thing herein to the contrary notwithstanding.

Manner of appropriating the Sums repaid the Provincial Treasurer.

XXIX. *AND be it further enacted by the Authority aforesaid*, That the said Commissioners shall and may, as soon as conveniently may be after the Publication of this Act, out of the Monies arising by Virtue thereof, purchase two convenient Lots for Landing-places, on the River *Delaware*, one at or near each Side of said City, and within the same, for landing of Boards, Hay, and other Things, which may be brought, from Time to Time, to the Market of the same, for the Use of the Inhabitants and Citizens thereof; which said Lots, when so purchased, shall be vested in the Mayor and Commonalty of the City of *Philadelphia*, in Trust, nevertheless, to permit and suffer the Mayor, Recorder and Aldermen of the said City, with the Consent and Approbation of any four of the Assessors thereof, for the Time being, to take and receive the Issues, Profits and Tolls of the said Lots and Landing-places, and to dispose of the same, with the Concurrence of the Assessors aforesaid, for the Use, Benefit and Advantage of the Inhabitants of the said City, and for no other Use, Intent or Purpose whatsoever; and the said Commissioners are hereby farther authorized and empowered to cleanse and repair the Dock, extending from the River *Delaware* across *Front-street*, to the *Second-street* in the said City, and every Part thereof, in such Manner as to them shall seem most convenient, useful and advantageous to the Public; and for that Purpose shall and may contract and agree with such Person and Persons, as they shall think proper, from Time to Time, to be employed under their Direction in the Premises, and generally to agree on, execute and perform, all and every other Act, Matter and Thing, which to them shall appear necessary for the effectual cleansing and repairing the said Dock, and every Part thereof, from Time to Time, and at all Times hereafter, and to defray the Expence thereof out of the Monies directed to be assessed, levied and raised by this Act.

Commissioners empowered to purchase two convenient Lots, for Landing-places, &c.

XXX. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall, after the Publication of this Act, cast or throw down, out of any Cart, Waggon or other Carriage, any Rubbish, Dirt or Earth, in any public Street, Lane or Alley of the City of *Philadelphia*, save only in such Parts and Places as shall be appointed and agreed on by the said Commissioners for pitching

Penalty on Persons casting Rubbish in any public Street, &c.

pitching and paving the said Streets, every such Person or Persons shall forfeit and pay, for every such Offence, the Sum of *Five Shillings*, and pay the Costs of removing the same; and if any Person or Persons, save the said Commissioners, shall destroy, remove or pull down any Bar, Chain, Rope or Fence, which the said Commissioners shall hereafter cause to be set up in or across the said Streets, Lanes or Alleys, for the Preservation of the Pavements then newly made, or to be made, every such Person, who shall offend in the Premises, shall forfeit and pay the Sum of *Three Pounds* for every such Offence.

XXXI. AND whereas the paving the Streets of the City of *Philadelphia* hath been attended with a great Expence to the Inhabitants thereof, and it is necessary that due Care be taken to preserve the Pavements already made, and those which shall hereafter be made, from any and every avoidable and unnecessary Injury.

XXXII. AND whereas nothing can be more destructive to Pavements of any Kind, and particularly to those newly made, than the carrying large and excessive Weights and Burthens in Carriages, the Fellies of the Wheels whereof are of small Breadth, whereby the Stones of such Pavements are loosened and torn up, and the Pavements themselves in a great Measure ruined and destroyed; for Remedy whereof, *Be it enacted by the Authority aforesaid*, That no Waggon, Wain or Cart whatsoever, belonging to any Person or Persons whatsoever, residing or inhabiting within the said City of *Philadelphia*, or within the *Northern Liberties* thereof, or within the District of *Southwark*, or the Townships of *Moyamensing* or *Passyunk*, shall travel, pass or be drawn on any of the paved Parts of the said City, with any greater Number of Beasts of Draught than Three, if a four Wheel Carriage, and if a two Wheel Carriage, with any greater Number of Beasts of Draught than Two, unless the Fellies of such Wheels shall be of the Breadth or Guage of four Inches from Side to Side at the least; and that no such Wheel Carriage, belonging to Persons residing in the Places aforesaid, shall travel, pass or be drawn in the said City, with or by any Number of Oxen or Horses whatsoever, unless the Fellies of the Wheels thereof shall be of the Breadth or Gauge of four Inches from Side to Side at the least (Carts with one Horse, Stage and light travelling Waggons for Passengers excepted) and that every Owner or Owners of such Wheel Carriage, which shall pass or be drawn in the said City, contrary to the Directions, Tenor, true Intent and Meaning of this Act, shall, for every such Offence, forfeit and pay the Sum of *Five Pounds*, to be recovered as Debts not exceeding *Five Pounds* are by Law directed to be recovered, or otherwise shall forfeit any one of the Beasts of Draught drawing such Wheel Carriage (excepting the Shaft or Thill Horse) together with the Gears, Bridle, Halter, and other Accoutrements to such Beast of Draught belonging.

XXXIII. *AND be it further enacted by the Authority aforesaid*, That the Person or Persons, making such Seizure or Distress as aforesaid, shall deliver the Horse or Ox so seized and distrained, with the Accoutrements aforesaid, into the Custody of some one of the Constables of the said City; and every such Constable is hereby required to take and receive, and safely keep the same, till the Person or Persons, making such Seizure or Distress, shall make Proof upon Oath or Affirmation, before some Justice or Justices of the said City, of the Offence committed; and the said Justice or Justices, before whom such Proof shall be made to their Satisfaction, is and are hereby impowered and required to issue his or their Precept to such Constable, to sell and dispose of the Beast so forfeited, with the Accoutrements aforesaid, at Public Auction or Vendue, first giving due Notice of such Sale; and the Money arising therefrom the said Constable shall pay one Moiety thereof to the Party or Parties so seizing or distraining the said Beast, and the other Moiety to the said Commissioners, to be applied towards paving the said Streets, after deducting from the whole such reasonable Charges as the said Justice or Justices shall allow and direct; but in case no such Proof shall be made within Twenty-four Hours next after such Seizure, that then such Beast shall be returned to the Owner or Owners thereof, without any Costs or Expences.

XXXIV. AND

Penalty on
Owners of
Carriages,
passing on
the paved
Parts of the
City, con-
trary to this
Act.

Proof of the
Offence to
be made on
Oath or Af-
firmation,
&c.

XXXIV. *AND be it further enacted by the Authority aforesaid,* That if any Person or Persons shall hinder, prevent or obstruct the measuring or guaging of the Fellies of such Wheels, or the seizing or distraining of any Horse or Beast of Draught, hereby directed to be forfeited, or shall use any Violence to any Person or Persons, who shall attempt to measure and guage the said Fellies, or to seize or distrain such Beast as aforesaid, every such Person or Persons so offending shall, for every such Offence, forfeit and pay the Sum of *Ten Pounds*, being thereof legally convicted in any Court of Quarter Sessions of the Peace in and for the said City.

Penalty on Persons obstructing the measuring of Fellies of Wheels.

XXXV. *PROVIDED always nevertheless,* That if it shall appear that the Fellies of such Wheels were originally made of the full Breadth, prescribed and directed by this Act, and to have become less by the Wear or Use thereof, except the same shall be less than three Inches and one Half wide, the Penalties and Forfeitures hereby imposed on the Owner or Owners thereof shall not be incurred, nor the same recovered in Manner aforesaid, or in any other Manner whatsoever.

Those Fellies originally the full Breadth excepted.

XXXVI. *PROVIDED also, and be it enacted by the Authority aforesaid,* That nothing in this Act contained shall be deemed, held or construed, to debar or prevent any Person or Persons, residing within the said City, District or Townships, from transporting in his, her or their Waggon, Wain or Cart, for his, her or their own proper Use, but not for Hire, any Matters or Things whatsoever, with two Beasts of Draught only (except Stones, Bricks, Lime, Loam, Sand, Gravel, Iron, Lead, Cord-wood, Coal, Scantling, Timber and Boards) provided such Matters and Things do not exceed in any one Load Half a Ton Weight, on or through any of the paved Parts of the said City, and with any greater Number of Beasts of Draught, within or through any other Parts of the said City, not paved, although the Fellies of the Wheels of such Waggon, Wain or Cart, be not of the Dimensions aforesaid, any Thing in this Act contained to the contrary notwithstanding.

Regulation relating to Waggons, and other Carriages, passing thro' the paved Parts of the City, &c.

XXXVII. *AND be it further enacted by the Authority aforesaid,* That no Dray, or other Carriage, used for the Transportation of Merchandize from one Part of the City to another by any Porter or Drayman, shall travel, pass, or be drawn on the paved Parts of the said City, unless the Fellies of the Wheels of such Dray, or other Carriage, shall be of the Breadth or Guage of four Inches, at the least, from Side to Side, under the Penalty of *Five Pounds*, to be paid by the Owner of such Dray, or other Carriage, and to be recovered as Debts not exceeding *Five Pounds* are directed by Law to be recovered; one Moiety thereof to the Person who shall sue for the same, and the other Moiety thereof to the Commissioners for cleansing and paving the Streets, to be applied to the paving of the same.

Penalty on Drays passing on the paved Parts of the City, unless the Fellies be of the Breadth of four Inches.

XXXVIII. *AND be it further enacted by the Authority aforesaid,* That every Waggoner and Carter, employed to hawl Wood for the Inhabitants of the said City, District of *Southwark*, and Townships aforesaid, shall have in his said Waggon or Cart, of his own Property, a sufficient Number of hewn Standards, for preventing the Wood from falling off from his Carriage, marked with the initial Letters of his Christian and Surnames, on the outer Side of the said Standards, under the Penalty of *Five Shillings*; and that if any Waggoner or Carter shall take and appropriate any Wood, belonging to any of the Inhabitants aforesaid, which he shall be hired to hawl, and shall apply or appropriate the same to his own Use, or shall not deliver it to the true Owner or Purchaser thereof, every such Person, so offending, shall forfeit and pay *Two Shillings* for every Stick or Piece of Wood so appropriated or detained, to the Owner or Purchaser thereof, being first legally convicted of the said Offence before any Justice of the Peace of the City or County of *Philadelphia*.

Carters, &c. employed to hawl Cord-wood, to have a sufficient Number of hewn Standards, marked with their Names, &c.

XXXIX. *PROVIDED also,* That if any Person or Persons shall conceive him, her or themselves aggrieved, by any Judgment to be given by Virtue of this Act, if the same shall exceed the Sum of *Forty Shillings*, or the Value thereof, it shall and may be lawful for such Person or Persons, within the Space of Six Days next after the giving such Judgment, but not after, to appeal therefrom to the next Court of Common Pleas, to be held for the said County, he,

Persons aggrieved, may appeal, &c.

she or they first entering into Recognizance, with at least one sufficient Surety, in such a Sum as shall be sufficient to answer the said Penalty, or Value of the Thing forfeited, together with all such Costs as shall be awarded, to prosecute the said Appeal with Effect; and to abide the Order and Judgment of the said Court; which said Court is hereby authorised and required to accept and receive the said Appeal, and to proceed therein according to the Usage and Practice in Cases of Appeal for Debts above *Forty Shillings*, and not exceeding *Five Pounds*.

XL. AND whereas great Complaint is made by divers Inhabitants of the City and Suburbs of *Philadelphia*, that Distillers, Soap-boilers and others, frequently discharge large Quantities of foul and stinking Liquors, the Returns from their Stills and Boiling Vessels, on the adjacent Grounds, or into the Kennels of the public Streets, Lanes or Alleys, to the great Annoyance of the Inhabitants; or by discharging the same into Wells, Vaults or Sinks, dug for that Purpose, have injured, if not totally ruined, their Neighbours Waters; and that there are a Variety of other Nuisances in and near the said City, to the great Annoyance and Damage of the Inhabitants; to prevent which Inconveniences and Damages, *Be it enacted by the Authority aforesaid*, That if any Distiller, Soap-boiler or Tallow-chandler, within the said City, District of *Southwark*, or built Parts of the *Northern Liberties*, shall, after the Publication hereof, by themselves, their Agents, Journeymen or Servants, presume to discharge out of or from any Still-house or Work-shop, foul or nauseous Liquor of any Kind whatsoever, into or upon any adjacent Ground, or into any Well, Vault or Sink, within the said City, District or Township, every Person so offending, and being thereof legally convicted in the Court of Quarter Sessions of the Peace, held for the said City or County respectively, shall, for every such Offence, forfeit and pay the Sum of *Twenty Pounds*.

XLI. AND the more effectually to preserve the Waters in the said City, District of *Southwark*, and *Northern Liberties*, wholesome and fit for Use, *Be it enacted by the Authority aforesaid*, That the Commissioners by Law appointed for paving the Streets of the said City, and Supervisors of the District of *Southwark*, and Township of the *Northern Liberties* respectively, with the Assent of the Mayor or Recorder, and any two Aldermen of the said City, or any two Magistrates of the County of *Philadelphia* aforesaid, shall limit, direct and appoint the Depth of all Vaults, Wells and Sinks, hereafter to be dug in the built Parts of the said City, District or Township, for Privies or Necessary-houses; which Regulation, being so made as aforesaid, shall be advertised in one at least of the News Papers of the said City, and then deposited in the Hands of the Clerk of the Court of Quarter Sessions for the City and County of *Philadelphia*, subject to the Inspection of any Inhabitant of the City, District and Township aforesaid, applying for that Purpose; and that if any Person or Persons shall dig, or cause to be dug, any such Vault, Well or Sink, for Privies or Necessary-houses, of any greater Depth than shall be limited and appointed as aforesaid, every such Person or Persons so offending, and being thereof legally convicted as aforesaid, shall forfeit and pay the Sum of *Twenty Pounds*, and the Person or Persons employed in digging the same shall forfeit the Sum of *Ten Pounds*.

XLII. AND *be it further enacted by the Authority aforesaid*, That if any Distiller, Soap-boiler or Tallow-chandler, within the said City, District or Township, shall, as aforesaid, discharge any foul or nauseous Liquor from any Still-house or Work-shop, so that such Liquor shall pass into or along any of the Streets, Lanes and Alleys of the said City, District or Township; or if any Soap-boiler or Tallow-chandler shall keep, collect or use, or cause to be kept, collected or used, in any of the built Parts of the City, District or Township aforesaid, any stale, putrid or stinking Fat, Grease or other Matter; or if any Butcher shall keep at or near his Slaughter-house, any Garbage or Filth whatsoever, so as to annoy or offend any Neighbour, or any Person whatsoever, he, she or they, so offending, and being thereof convicted before any Justice of the Peace of the said City or County respectively, shall forfeit and pay, for every such Offence, the Sum of *Thirty-five Shillings*.

XLIII. AND

Penalty on
Distillers,
&c. discharg-
ing foul and
nauseous Li-
quors, &c.

Commission-
ers, &c. to
limit the
Depth of all
Wells dug
for Privies,
&c.

Distillers,
&c. not to
discharge
nauseous Li-
quor, so as to
run thro' the
Streets, &c.

XLIII. *AND be it further enacted by the Authority aforesaid,* That if any Person or Persons shall, after the Publication hereof, presume to cast, carry, draw out, or lay any dead Horse, or other dead Carcase of Cattle, Sheep, Hog or Dog, or any Excrement or Filth from Vaults, Privies or Necessary-houses, and shall leave such Carcase, Carrion or Filth, without burying the same a sufficient Depth in the Ground, on any Part of the Commons of the said City, or on or near any of the Streets, Lanes, Alleys or Highways, within the said City, District, or Township adjoining the same, every Person or Persons so offending, and being convicted thereof before any Justice of the Peace of the City or County of *Philadelphia* respectively, shall forfeit and pay, for every such Offence, the Sum of *Thirty Shillings*.

Penalty on
Persons lay-
ing Carrion,
&c. on the
Commons,
&c.

XLIV. *AND be it further enacted by the Authority aforesaid,* That if any Person or Persons shall, after the Publication hereof, cast, throw or lay any Carcase, Carrion or Filth whatsoever, or any Dirt, Rubbish, or other Annoyance or Obstruction whatsoever, into the public Water-course of the said City, commonly called *The Dock*, and shall thereof be convicted before any Justice of the Peace of the said City as aforesaid, every such Offender shall, for every such Offence, forfeit and pay such Sum of Money, not exceeding *Forty Shillings*, as the said Justice, before whom such Offender shall be convicted, shall think reasonable.

Or throwing
the same into
the Dock.

XLV. *AND* whereas, by late extraordinary Encroachments of Cellar-doors, Steps and Porches, made in the Streets of the said City, of Jut-windows, Bulks and other Incumbrances, the said Streets are greatly obstructed; and by a Number of Spouts or Gutters, set at the Eaves of Pent-houses and other Places, in the said Streets, large Collections of Water are discharged, in rainy Seasons, on Persons passing near the same; *Be it therefore further enacted by the Authority aforesaid,* That if any Person or Persons shall hereafter make and set up, or shall cause to be made and set up, in any Street of Fifty Feet wide, or upwards, within the said City, any Porch, Cellar-door or Step, which shall extend beyond the Distance of Four Feet Three Inches into such Street, or a proportionate Distance into any narrower Street, where the same shall be made or set up; and if any Person or Persons shall hereafter make and set up, or cause to be made and set up, any Bulk, Jut-window or Incumbrance whatsoever, whereby the Passage of any Street shall be obstructed, or shall so place, or cause to be placed, any Spout or Gutter, whereby the Passage of any Street shall be incommoded, every Person offending, and being legally convicted thereof, before any Justice of the Peace of the said City, shall, for every such Offence, forfeit and pay the Sum of *Thirty Shillings*, and shall forthwith remove, or cause the said Nuisance to be removed.

Regulation
relating to
Encroach-
ments by
Cellar-doors,
&c.

XLVI. *AND be it enacted by the Authority aforesaid,* That the Owner or Owners of any House within the said City, having at the Publication hereof any Porch, Cellar-door or Step, extending into any Street beyond the Limitation aforesaid, or having fixed or fastened to such House any Bulk, Jut-window, or other Incumbrance whatsoever, shall yearly, and every Year, pay to such Person or Persons, as shall be appointed by the Commissioners for paving the Streets to receive and collect the same, such Sum or Sums of Money, as the said Commissioners and the Assessors of the said City shall assess and settle, as a full Compensation to the Public, until such Porch, Cellar-door or Step, to him, her or them respectively belonging, shall be reduced to the Limits aforesaid, or such Bulk, Jut-window or other Incumbrance, shall be removed or taken away; and every Owner or Owners of any House or Houses, whereunto any Spout or Gutter shall, at the Time of the Publication hereof, be so fixed and placed, that the Waters thereby discharged may incommodate Persons passing the said Streets, shall, and they are hereby enjoined and required forthwith to remove, or effectually to alter and amend the same.

Owners of
Porches, &c.
exceeding the
above Limi-
tation, to be
assessed, till
reduced or
taken away.

XLVII. *AND be it further enacted by the Authority aforesaid,* That if any Person or Persons shall hereafter set up or place any Sign, Sign-post, Board, Pole, or other Device or Thing whatsoever (except such Persons as shall keep a public Inn for the Entertainment of Travellers, with their Horses) to denote or shew his, her or their Place of Residence, or his, her or their Occupation or Business, or the Merchandize or Things, which he, she or they hath or have to dispose of,

Regulation
relating to
Signs, &c.

of, in any of the Streets, Lanes or Alleys of the City of *Philadelphia*, or which shall extend from his, her or their Dwelling into the said Streets, Lanes or Alleys, or if any Person or Persons (except as is before excepted) to whom any Sign, Sign-post, Board, Pole, or other Device or Thing aforesaid, already set up and placed as aforesaid, shall permit or suffer the same to remain set up and placed in any of the said Streets, Lanes or Alleys, or to extend into the same, after the first Day of *January* next ensuing the Publication of this Act, every such Person or Persons, being thereof legally convicted before any Justice of the Peace of the said City, shall forfeit and pay the Sum of *Five Pounds*, to be paid to the said Commissioners, and by them to be applied to the paving and cleansing the said Streets; and the said Commissioners are hereby authorised, impowered and required, to take down and remove all and every such Sign, Sign-post, Board, Pole, and other Device and Thing aforesaid (except as is before excepted) which they shall find so set up and placed in the said Streets, Lanes or Alleys, or extending as aforesaid into the same, after the said First Day of *January* next ensuing. And the said Commissioners are hereby further authorised and impowered to remove, or cause to be removed, all Manner of Obstructions to the Passage through the said Streets, which they shall find remaining in the same an unnecessary Length of Time.

XLVIII. *PROVIDED* always nevertheless, That nothing herein contained shall be deemed, taken or construed, to prevent any Person or Persons to set up or place any such Sign, Sign-board, Pole, or other Device or Thing aforesaid, against the Walls of their several Dwellings, so that the same shall not project or extend into the said Streets, Lanes or Alleys, more than Six Inches.

XLIX. *PROVIDED* also, That if any Person or Persons be sued or prosecuted for any Thing done in Pursuance of this Act, he, she or they may plead the general Issue, and give this Act, and the special Matter in Evidence, for their Justification; and if the Plaintiff or Prosecutor become Non-suit, or suffer a Discontinuance, or if a Verdict pass against him, the Defendant shall have treble Costs, to be recovered as in Cases where Costs by Law are given to Defendants.

Manner of
applying the
Fines.

L. *AND* be it further enacted by the Authority aforesaid, That the one Half of all Fines and Forfeitures arising by this Act in the City of *Philadelphia*, not herein before appropriated, shall be paid to the Informer, or the Person or Persons that shall sue for the same; and the other Half thereof shall be paid to the Treasurer, appointed by the Commissioners for cleansing and paving the Streets of the said City, to be applied towards paving and cleansing the Streets of the said City. And that one Half of all Fines, Penalties and Forfeitures aforesaid, so as aforesaid incurred for any Offences committed out of the said City, shall be paid to the Supervisors of the Highways of the respective District or Township where the Offence was committed, and applied to the Repair of the Highways of such District or Township; and the other Half to the Person or Persons who shall give Information of the Offence.

Former Acts
repealed.

LI. *AND* be it further enacted by the Authority aforesaid, That the Act of Assembly, passed in the Second Year of his present Majesty's Reign, intituled, *An Act for regulating, pitching, paving and cleansing the Highways, Streets, Lanes and Alleys, and for regulating, making and amending the Water-courses and Common Sewers, within the inhabited and settled Parts of the City of Philadelphia, and for raising of Money to defray the Expences thereof*; one other Act of Assembly, passed in the Third Year of his present Majesty's Reign, intituled, *A Supplement to the Act, intituled, an Act for regulating, pitching, paving and cleansing the Highways, Streets, Lanes and Alleys, and for regulating, making and amending the Water-courses and Common Sewers, within the inhabited and settled Parts of the City of Philadelphia, and for raising of Money to defray the Expence thereof*; one other Act of Assembly, passed in the Sixth Year of his present Majesty's Reign, intituled, *A Supplement to the Act, intituled, A Supplement to the Act, intituled, An Act for the regulating, pitching, paving and cleansing the Highways, Streets, Lanes and Alleys of the City of Philadelphia, &c.* one other Act of Assembly, passed in the Seventh Year of his present Majesty's Reign, intituled, *An Act for amending the Act, intituled, A Supplement to the Act, intituled, A Supplement to the Act,* intituled,

intituled, *An Act for regulating, pitching, paving and cleansing the Highways, Streets, Lanes and Alleys, and for regulating, making and amending the Water-courses and Common Sewers, within the inhabited and settled Parts of the City of Philadelphia, and for raising of Money to defray the Expence thereof*; and one other Act, passed in the Third Year of his present Majesty's Reign, intituled, *An Act to prevent and remove certain Nuisances in and near the City of Philadelphia*, and every Article, Clause and Thing, in the said several Acts of Assembly contained, shall be, and they are hereby declared to be repealed, null and void, to all Intents and Purposes whatsoever.

Passed February 18, 1769.

C A P. XVII.

An ACT for explaining and amending an Act, intituled, *An Act for granting the Sum of Sixty Thousand Pounds to the King's Use, and for striking Fifty-five Thousand Pounds thereof in Bills of Credit, and to provide a Fund for sinking the same.*

Passed May 27, 1769.

C A P. XVIII.

An ACT to continue an Act, intituled, *An Act to amend the Act, intituled, An Act for the better Employment, Relief and Support of the Poor within the City of Philadelphia, the District of Southwark, the Townships of Moyamensing and Passyunk, and the Northern Liberties.*

Passed May 27, 1769.

C A P. XIX.

An ACT to continue an Act, intituled, *An Act for appointing Wardens for the Port of Philadelphia, and for the better regulating Pilots plying in the River and Bay of Delaware, and Price of Pilotage to and from the said Port.*

Passed May 27, 1769.

C A P. XX.

An ACT for the Relief of *John Relfe*, and *Abraham Howell*, Prisoners in the Goal of *Philadelphia*, with respect to the Imprisonment of their Persons.

Passed September 30, 1769.

C A P. XXI.

An ACT for the Support of the Government of this Province, and Payment of the Public Debts.

Passed September 30, 1769.

C A P. XXII.

An ACT to continue the Act, intituled, *An Act to enable the Commissioners, herein after named, to settle the Accounts of the Managers, and to sue for and recover from several Persons, such Sums of Money as are now due and unpaid, on Account of the Lottery set up and drawn for erecting a House of Worship at the Town of Carlisle, in the County of Cumberland, for the Use of the First Presbyterian Congregation, under the pastoral Care of John Steel.*

Passed September 30, 1769.

C A P. XXIII.

An ACT for the Relief of *John Galbreath*, a languishing Prisoner in the Goal of *Chester*, with respect to the Imprisonment of his Person.

Passed September 30, 1769.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, *Anno Domini* 1769, in the Ninth Year of the Reign of our Sovereign Lord GEORGE III. and continued by Adjournments to the Twenty-ninth Day of *September* following.

C A P. I.

An ACT to enable the Owners of Meadow Lands, on both Sides of *Gunner's Creek*, to construct, maintain and keep up a Dam and Sluices, and to raise a Fund to defray the Expence thereof.

Passed February 24, 1770.—Recorded A, Vol. V. p. 340.

C A P. II.

An ACT for repairing the Highway between *Frankford* Bridge and the Bridge over *Frankford* Mill-race.

WHEREAS the Highway or Causeway now in Use, between *Frankford-Creek* Bridge and the Bridge over *Frankford* Mill-race, is much out of Repair, and dangerous to Persons travelling thereon; And whereas it will be too great a Burthen on the Township, in which the said Highway or Causeway lies, to amend the same; BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Commissioners and Assessors for the County of *Philadelphia* shall, and they are hereby enjoined and required, immediately after the Passing of this Act, and from Time to Time hereafter, to amend and repair the said Highway or Causeway, out of the County Stock, in such Manner as shall be proper and convenient for Travellers to pass and repass thereon; and for that Purpose, with the Concurrence of the Justices of the Court of Quarter Sessions of the Peace of and for the County of *Philadelphia*, shall agree with proper Workmen.

Passed February 24, 1770.

C A P. III.

A SUPPLEMENT to the Act, intituled, *A Supplement to the Act, intituled, An Act for taking Lands in Execution for the Payment of Debts, and for confirming Partitions, in several Instances heretofore made.*

Preamble.

WHEREAS before the Passing the Act, to which this Act is a Supplement, the Sheriff, or other proper Officer, who had taken Lands in Execution, and sold the same for a *bona Fide* Consideration had and received, in some Cases died, or the Term of his Office expired by Law, before any Deed made by him to complete the Title of the Purchaser, and the said Sales yet remain unconfirmed, and such Purchasers are left without Remedy, inasmuch as the said last recited Act did not make Provision for the Cases which happened before the Time of Passing the same; BE IT THEREFORE ENACTED

by

by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle, Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That in all Cases where it hath happened, before the Passing the said recited Act, that the Sheriff, or other proper Officer, hath taken any Lands, Tenements or Hereditaments in Execution, and either with or without a Writ of *Venditioni Exponas*, sold the same for a *bona Fide* Consideration had and received, according to Law, and after died, or was removed from his Office by the Expiration of the Term thereof, or otherwise, not having made a Deed to the Purchaser, it shall and may be lawful to and for the Plaintiff or Purchaser, his Heirs or Assigns, to apply to the Supreme Court, or to the County Court of Common Pleas, where the Judgment was obtained, and to set forth, by Petition, his Case to the Court; and thereupon the said Court may, as they shall see Cause, and as Justice and Equity shall require, order and direct the Sheriff, or other proper Officer, for the Time being, to perfect such Title, by executing a Deed for the same to the Plaintiff or Purchaser, his Heirs or Assigns; and upon such Order, obtained as aforesaid, and entered upon the Records of the same Court, it shall and may be lawful to and for any Sheriff, or other proper Officer, for the Time being, according to the Direction of the said Order, and they are hereby impowered and required, upon Payment of such Costs and Charges as remain unpaid to the former Sheriff, or other proper Officer, to make, seal, deliver, execute and acknowledge any Deed and Deeds, and to perform and do any other Matters and Things, that by the former Sheriff, or other proper Officer, might, could or ought to have been performed or done in or about the Premises; which, when done and performed, shall be held and adjudged as valid and effectual in Law, as if done and performed by the Sheriff or other Officer, who took the said Lands, Tenements and Hereditaments in Execution.

Manner of
obtaining
proper
Deeds, &c.

Passed February 24, 1770.

C A P. IV.

An A C T for the better Confirmation of the Estates of Persons, holding or claiming under Feme-Coverts, and for establishing a Mode, by which Husband and Wife may hereafter convey their Estates.

WHEREAS it hath been heretofore the Custom and Usage, ever since the Settlement of this Province, in transferring the Estates of Feme-Coverts, in many Cases, for the Husband and Wife to execute the Deed or Conveyance, in the Presence of Witnesses only, and in other Cases, after such Execution, to acknowledge the same before a Justice of the Peace, or a Justice of the County Court of Common Pleas, or before one of the Judges of the Supreme Court, the said Wife being separate and apart from her Husband examined; by Means whereof, a very great Number of *bona Fide* Purchasers, for a valuable Consideration, under such Deeds and Conveyances, are now become the just and equitable Owners and Possessors of such Estates: And whereas some Doubts have arisen, whether the said Deeds are sufficiently valid in Law, to transfer and pass the Estate of the Wife in and to the Lands, Tenements and Hereditaments, by the said Deeds and Conveyances intended to be transferred and conveyed; and it is but just and reasonable that the said Purchasers should be quieted and secured, and have, hold and enjoy the Lands, Tenements and Hereditaments, intended by the said Deeds and Conveyances to be transferred and conveyed, according to the true Intent and Meaning thereof; BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle, Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met,

Preamble.

Grants, &c.
heretofore
made, to be
valid, &c.

met, and by the Authority of the same, That no Grant, Bargain and Sale, Lease, Release, Feoffment, Deed, Conveyance or Assurance whatsoever, heretofore *bona Fide* made and executed by Husband and Wife, in Manner aforesaid, of any Lands, Tenements and Hereditaments whatsoever, shall be deemed, held or adjudged invalid or defective in Law, or avoided or prejudiced; but that all and every the said Grants, Bargains and Sales, Releases, Feoffments, Deeds, Conveyances and Assurances, shall be and are hereby declared to be good and valid in Law, for the transferring and passing the Estates, Rights, Titles and Interests of such Husband and Wife, according to the true Intent and Meaning of the Words thereof; saving to every Person and Persons, Bodies Politic and Corporate whatsoever (other than to the said Husband and Wife) their Heirs and Successors, all such Rights, Titles, Estates, Claims and Interests, as they, or any of them have, or ought to have, of, in or to the said Lands, Tenements and Hereditaments.

Mode by
which Hus-
band and
Wife may
convey, &c.

II. AND, in order to establish a Mode, by which Husband and Wife may hereafter convey the Estate of the Wife, *Be it enacted by the Authority aforesaid*, That where any Husband and Wife shall hereafter incline to dispose of and convey the Estate of the Wife, or her Right of, in or to any Lands, Tenements or Hereditaments whatsoever, it shall and may be lawful to and for the said Husband and Wife to make, seal, deliver and execute any Grant, Bargain and Sale, Lease, Release, Feoffment, Deed, Conveyance or Assurance in the Law whatsoever, for the Lands, Tenements and Hereditaments, intended to be by them passed and conveyed, and, after such Execution, to appear before one of the Judges of the Supreme Court, or before any Justice of the County Court of Common Pleas, of and for the County where such Lands, Tenements or Hereditaments shall lie, and to acknowledge the said Deed or Conveyance; which Judge or Justice shall, and he is hereby authorised and required to take such Acknowledgment, in doing whereof, he shall examine the Wife separate and apart from her Husband, and shall read, or otherwise make known, the full Contents of such Deed or Conveyance to the said Wife; and if, upon such separate Examination, she shall declare that she did voluntarily, and of her own free Will and Accord, seal, and, as her Act and Deed, deliver the said Deed or Conveyance, without any Coercion or Compulsion of her said Husband, every such Deed or Conveyance shall be, and the same is hereby declared to be good and valid in Law, to all Intents and Purposes, as if the said Wife had been sole, and not covert at the Time of such Sealing and Delivery, any Law, Usage and Custom, to the contrary in any wise notwithstanding.

Deeds, &c.
executed by
Husband and
Wife not re-
siding in this
Province, but
properly ac-
knowledged,
to be valid.

III. *AND be it further enacted by the Authority aforesaid*, That all Deeds and Conveyances, made and executed by Husband and Wife not residing within this Province, and brought hither to be recorded in the County where the Lands lie (the Acknowledgments thereof being taken and made in the Manner herein before directed, before any Mayor or Chief Magistrate, or Officer of the Cities, Towns or Places, where such Deeds or Conveyances are or shall be made or executed, and certified under the Common or Public Seal of such Cities, Towns or Places) shall be as valid and effectual in Law, as if the same had been made and acknowledged in Manner aforesaid, before any Judge of the Supreme Court of this Province, or before any Justice of the Court of Common Pleas for the County where the Lands lie, any Thing herein contained to the contrary notwithstanding.

Passed February 24, 1770.

C A P. V.

A SUPPLEMENT to the Act, intituled, *An Act to enable the Owners and Possessors of a certain Tract of Marsh and Meadow Land therein described, situate in the County of Chester, to keep the Banks, Dams, Shuices and Flood-gates in Repair, and to raise a Fund to defray the Expence thereof.*

Passed February 24, 1770.—Recorded A, Vol. V. p. 358.

C A P. VI.

C A P. VI.

An A C T for the Sale of Goods distrained for Rent, and to secure such Goods to the Persons distraining the same, for the better Security of Rents, and to prevent Frauds and Abuses committed by Tenants.

Passed February 24, 1770.—Repealed by the Crown.

C A P. VII.

An A C T for appointing Commissioners to meet with Commissioners, who are or may be appointed by the Legislatures of the neighbouring Colonies, to form and agree on a general Plan for the Regulation of the *Indian Trade*.

Passed February 24, 1770.

C A P. VIII.

An A C T for incorporating the Society, formed for the Relief of poor, aged and infirm Masters of Ships, their Widows and Children.

Passed February 24, 1770.

C A P. IX.

A S U P P L E M E N T to the A c t, intituled, *An A c t for bailing Prisoners, and about Imprisonment*.

WHEREAS it is declared and enacted by the A c t, to which this A c t is a Supplement, that the public Allowance to Prisoners shall be *Two-pence per Day*, and no more; and that the respective Prisons shall be Work-Houses, until others are provided for Felons, Thieves, Vagrants, and loose and idle Persons; And whereas some Doubts have arisen, whether it was the Intent and Meaning of the Legislature, that the said Allowance should be paid to Persons committed for criminal Offences, after Conviction; For the Removal of which Doubts, B E I T E N A C T E D by the Honourable JOHN PENN, Esquire, Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Persons committed for any criminal Offence whatsoever shall, during their Imprisonment, have and receive *Three-pence per Diem* each; and that the Commissioners of and for each respective County within this Province shall pay the same to the Sheriffs of their respective Counties, for the Diet and Support of such Criminals as shall be within their Goals respectively, out of the County Stock, which shall, from Time to Time, be raised and levied for the Payment of the County Debts, any Usage or Custom to the contrary notwithstanding.

Passed February 24, 1770.

C A P. X.

An A C T for the Relief of the languishing Prisoners in the Goals of the several Counties within this Province, with respect to the Imprisonment of their Persons.

Passed February 24, 1770.

C A P. XI.

An A C T for punishing wicked and evil-disposed Persons going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of his Majesty's Subjects within this Province, and for the more speedy bringing the Offenders to Justice.

Passed February 24, 1770.—Expired.

C A P. XII.

An A C T for the further Continuance of the A c t, intituled, *An A c t for appointing Wardens for the Port of Philadelphia, and for the better regulating Pilots plying in the River and Bay of Delaware, and the Price of Pilotage to and from the said Port*.

Passed May 16, 1770.—Expired.

C A P. XIII.

An ACT to continue the Act, intituled, *An Act for the opening and better amending, and keeping in Repair the Public Roads and Highways within this Province.*

Passed September 29, 1770.—Expired.

C A P. XIV.

An ACT for regulating Waggoners, Carters, Draymen and Porters, within the City of *Philadelphia*, and for other Purposes therein mentioned.

Preamble.

WHEREAS many Inconveniences and Obstructions have arisen to the Trade and Commerce of the City of *Philadelphia*, and great Extortion and Injustice been done the Merchants and Traders thereof, and other Persons within the same, for Want of a due and proper Regulation of the Waggoners, Carters, Draymen and Porters, within the said City, and for Want of a just Limitation of the Price and Value of the Portage, Carriage, and other Labour and Service of the said Waggoners, Carters, Draymen and Porters, in their respective Occupations, within the said City.

II. AND whereas the Regulations lately made by the Act of General Assembly, passed in the First Year of His present Majesty's Reign, intituled, *An Act for the regulating Waggoners, Carters, Draymen and Porters, within the City of Philadelphia, and for other Purposes therein mentioned*, have been found, on Experience, to have remedied the Inconveniences and Mischiefs aforesaid, which said Act is now expired; BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esquire, Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Person or Persons whatsoever, from and after the First Day of *November* next, after the Publication of this Act, shall follow the Employ, Business or Occupation of a Waggoner, Carter, Drayman or Porter, within the City of *Philadelphia*, without having first made Application to the Clerk of the Court of Quarter Sessions of the Peace for the said City of *Philadelphia*, and registered, or cause to be registered, his or their Name and Names, and caused or procured his or their Carriage or Carriages, intended by him or them to be used in the said Business, to be numbered in a Book by him the said Clerk to be kept for that Purpose, and without procuring and receiving from the said Clerk a Certificate of such Registry, containing the Number of his or their respective Carriage or Carriages, under the Penalty of *Five Shillings* for every Day he shall so follow the said Business; which said Certificate the said Clerk is hereby enjoined and required to make out in Writing under his Hand, and to deliver to the Person who shall apply for the same; for which Registry and Certificate he shall receive the Sum of *Two Shillings*, and no more: *Provided always*, That nothing herein before contained shall extend to Carriers and others, residing in the Country, and bringing or carrying their Effects to or from the City; or to any Person or Persons keeping or employing any such Carriages for their own Use only.

No Person to follow the Business of a Waggoner, &c. without having his Name registered, and Carriage numbered, &c.

Manner of numbering Carriages, &c.

III. AND be it further enacted by the Authority aforesaid, That all and every Waggoner, Carter, Drayman and Porter, following the Business aforesaid, within the said City, shall number, or cause to be numbered, their several and respective Carriages, on the Outside of each Shaft, with the same Figures and Numbers as shall be so as aforesaid entered in the said Book, and contained in his or their respective Certificates, and none other, in large Figures, not less than two Inches in Length, to be made of good strong durable Tin or Copper; and that all and every such Waggoner, Carter, Drayman or Porter, who shall follow the said Business or Employment with any Carriage, not numbered according to the Directions aforesaid, or, when numbered, shall wilfully deface the same,

or

or shall neglect to keep them plain and visible, shall, for each and every such Offence, forfeit and pay the Sum of *Five Shillings* for every Day he shall use or employ such Carriage, not marked and registered as aforesaid.

IV. *AND be it further enacted by the Authority aforesaid*, That if any Waggoner, Carter, Drayman or Porter, found in the Streets, or on the Wharffs, with his Horse or Horses, and Carriage, and not in actual Service, shall refuse or neglect to work when called on, at seasonable Hours, by any Merchant, or other Person whatsoever, he shall forfeit and pay the Sum of *Five Shillings* for every such Offence.

Penalty on
Waggoners,
&c. refusing
to work.

V. *AND be it further enacted by the Authority aforesaid*, That the Mayor and Recorder, or either of them, and the Aldermen of the City of *Philadelphia*, with the Wardens of the said City, shall meet on the last *Monday* in *October* and *April*, in every Year, or oftener, as Occasion may require, at the Court-House in the said City, when and where the said Mayor and Recorder, or either of them, and the major Part of the said Aldermen met, with the Assistance and Consent of the said Wardens, or any four of them, shall and may fix, regulate and ascertain the Rates and Prices, which the said Waggoners, Carters, Draymen and Porters shall, from Time to Time, demand and receive, for carrying and transporting Commodities from one Place to another within the said City; and shall also fix and appoint certain Places in the City, where it may be most convenient for the said Waggoners, Carters, Draymen and Porters, to repair with their Carriages when unemployed; an Advertisement whereof shall be published in the public Gazette, and in such other Manner as they, the said Mayor, Recorder and Aldermen, together with the Wardens aforesaid, shall think proper. And that if any Waggoner, Carter, Drayman or Porter, shall demand more for his Service and Labour than is fixed and ascertained in the Rates settled as aforesaid, he shall forfeit and pay the Sum of *Five Shillings* for every such Offence.

Mayor and
Recorder,
&c. to fix the
Rates of
Waggoners,
&c.

Penalty on
demanding
more than the
Price fixed;

VI. *AND be it further enacted by the Authority aforesaid*, That if any Waggoner, Carter, Drayman or Porter, shall bring his Waggon, Cart or Dray, on the Brick Pavement before the Door of any Inhabitant, without having obtained Leave from the Owner or Possessor of such House, he shall forfeit and pay, for every such Offence, the Sum of *Two Shillings*; and that no Waggoner, Carter, Drayman or Porter, shall suffer his Horse or Horses to go faster than a slow Pace or Trot, within the built Parts of the City, under the Penalty of *Ten Shillings* for every such Offence.

and for bring-
ing any Wag-
gon, &c. on
the Brick
Pavement,
&c.

VII. *AND be it further enacted by the Authority aforesaid*, That no Person or Persons whatsoever shall permit or suffer his or their Horse or Horses to go at large within the built Parts of the said City, under the Penalty of *One Shilling* for every Horse so going at large; and that all and every Tavern and Inn-keeper, and others, who shall have Occasion to take Horses through the City of *Philadelphia*, *Germantown*, *Darby*, or any County Town or Borough, within this Province, shall take them bridled or haltered through the same, not faster than a slow Pace or Trot, under the Penalty of *One Shilling* for every Horse taken or driven through the said City, Towns or Boroughs, contrary to the Directions of this Act.

No Person
to suffer his
Horse to go
at large in the
built Parts of
the City, &c.

VIII. *AND be it further enacted by the Authority aforesaid*, That no Person or Persons shall run any Horse or Horses, or shall pass with any Waggon, Cart or Dray, faster than a slow Pace or Trot, in or through any Streets, Lanes or Alleys of the City of *Philadelphia*, *Germantown*, or any County Town or Borough, within this Province, under the Penalty of *Ten Shillings* for every such Offence.

Penalty on
Horses, &c.
passing faster
than a slow
Pace or Trot.

IX. *AND be it enacted by the Authority aforesaid*, That all and every the Penalties and Forfeitures, incurred in and by Virtue of this Act, shall be sued for and recovered before any Justice of the Peace of the City or County, where the Offence is committed, and shall be paid, one Moiety thereof to the Informer, and the other Moiety to the Overseers of the Poor of the City or Township, where the said Offence shall be committed, to the Use of the Poor of the said City or Township respectively; but if convicted upon View of a Justice of the Peace, the whole Forfeiture shall be paid to the Overseers of the Poor of the said City or Township respectively, for the Use of the Poor thereof; and if the Of-

Method of
recovering
and applying
Forfeitures,
&c.

fender

fender shall neglect or refuse to pay the same upon Conviction, every such Forfeiture shall be levied by Distress and Sale of the Offender's Goods, by Warrant from under the Hand and Seal of the Justice of the Peace, before whom such Offender shall be convicted, returning the Overplus, if any, to the Owner, the Charge of the Distress being first deducted; and for Want of such Distress, he shall be committed to the common Goal, until the same, with Costs of Suit, shall be paid and satisfied; and in case any Offender against this Act shall be a *Negro* or *Mulattoe* Slave, he shall, instead of such Imprisonment, be publicly whipped at the Discretion of the Justice, not exceeding Twenty-one Lashes, unless the Master or Mistress of such Slave shall pay the Fine or Forfeiture hereby inflicted.

Limitation
of this Act.

X. *AND be it further enacted by the Authority aforesaid*, That this Act shall continue and be in Force for and during the Space of Seven Years, from and after the Publication of this Act, and no longer.

Passed September 29, 1770.

C A P. XV.

An A C T for the Regulation of Apprentices within this Province.

Preamble.

WHEREAS great Mischiefs and Losses have been sustained by the Masters and Mistresses of Apprentices, within this Province, for Want of some Law to regulate their Conduct and Behaviour during their Apprenticeships, to prevent their absenting themselves from their said Masters or Mistresses Service without Leave, to punish them for any disorderly or immoral Behaviour, and to make the Covenants between them mutually obligatory; For Remedy whereof, **BE IT ENACTED** by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all and every Person or Persons that at any Time or Times heretofore have been, or after the Publication of this Act shall be, bound by Indenture to serve as an Apprentice in any Art, Mystery, Occupation or Labour, with the Assent of his or her Parent, Guardian, or next Friend, or with the Assent of the Overseers of the Poor, and Approbation of any two Justices, although such Persons, or any of them, were or shall be within the Age of Twenty-one Years at the Time of making their several Indentures, shall be bound to serve the Time in their respective Indentures contained, so as such Time or Term of Years of such Apprentice, if a Female, do expire at or before the Age of Eighteen Years, and if a Male, at or before the Age of Twenty-one Years, as fully, to all Intents and Purposes, as if the same Apprentices were of full Age at the Time of making the said Indentures, any Law, Usage or Custom, to the contrary notwithstanding.

Apprentices
to serve the
Time men-
tioned in
their respec-
tive Inden-
tures, &c.

Masters, Mis-
tresses or Ap-
prentices, be-
ing aggriev-
ed, Method
of applying
for Redress,
&c.

II. *AND be it further enacted by the Authority aforesaid*, That if any Master or Mistress shall misuse, abuse or evilly treat, or shall not discharge his or her Duty towards his or her Apprentice, according to the Covenants in the Indentures between them made, or if the said Apprentice shall abscond or absent him or herself from his or her Master's or Mistress's Service without Leave, or shall not do and discharge his or her Duty to his or her Master or Mistress, according to his or her Covenants aforesaid, the said Master or Mistress, or Apprentice, being aggrieved in the Premises, shall or may apply to any one Justice of the Peace of any County or City, where the said Master or Mistress shall reside, who, after giving due Notice to such Master or Mistress, or Apprentice, if he or she shall neglect or refuse to appear, shall thereupon issue his Warrant for bringing him or her, the said Master, Mistress or Apprentice, before him, and take such Order and Direction between the said Master or Mistress and Apprentice, as the Equity and Justice of the Case shall require; and if the said Justice shall not be able to settle and accommodate the Difference and Dispute between the said Master or Mistress and Apprentice, through a Want of Conformity in the Master or Mistress, then the said Justice shall take a Recognizance of the said Master or Mistress,

Mistress, and bind him or her over, to appear and answer the Complaint of his or her said Apprentice, at the next County Court of Quarter Sessions, to be held for the said County or City, and take such Order, with respect to such Apprentice, as to him shall seem just; and if through Want of Conformity in the said Apprenticeship, he shall, if the Master or Mistress or Apprentice request it, take a Recognizance of him or her, with one sufficient Surety, for his or her Appearance at the said Sessions, and to answer the Complaint of his or her said Master or Mistress, or commit such Apprentice, for Want of such Surety, to the common Goal or Work-House of the said County or City respectively; and upon such Appearance of the Parties, and Hearing of their respective Proofs and Allegations, the said Court shall, and they are hereby authorised and empowered, if they see Cause, to discharge the said Apprentice of and from his or her Apprenticeship, and of and from all and every the Articles, Covenants and Agreements, in his or her said Indenture contained, the said Indenture of his or her said Apprenticeship, or any Law or Custom to the contrary notwithstanding; but if Default shall be found in the said Apprentice, then the said Court is hereby authorised and empowered to cause, if they see sufficient Occasion, such Punishment, by Imprisonment of the Body, and Confinement at hard Labour, to be inflicted on him or her, as to them, in their Discretion, they shall think his or her Offence or Offences shall deserve.

III. *AND be it further enacted by the Authority aforesaid*, That if any Apprentice of any of the Arts, Trades, Mysteries, Occupations or Labour aforesaid, shall depart and abscond from his or her Master's or Mistress's Service into any other County of this Province, or into the City of *Philadelphia*, it shall and may be lawful to and for any Justice of the Peace of such County or City, to issue his Warrant to any Constable within his County or City, to apprehend, take and have the Body of such Apprentice before him, or some other Justice of his County, and upon such Appearance and Hearing of the Complaint and Defence of the Parties, if Default be found in the said Apprentice, then, and in such Case, the said Justice of the Peace, before whom such Warrant shall be returned, shall commit him or her to the common Goal of the County where his or her said Master or Mistress shall reside, unless he or she will consent to return Home, or shall find sufficient Surety to appear at the next Sessions, to be held for the County where such Master or Mistress shall reside, and answer the Complaint of the said Master or Mistress, and not to depart the same without Leave.

Method of proceeding in case of Apprentices absconding.

IV. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons whatsoever shall harbour, conceal or entertain any such Apprentice, knowing him to be such, during the Space of Twenty-four Hours, without his or her Master's or Mistress's Consent, and shall not give Notice thereof to his or her said Master or Mistress, every such Person or Persons, offending in the Premises, shall pay to the said Master or Mistress the Sum of *Twenty Shillings*, for every Day he shall so harbour, conceal or entertain such Apprentice, to be recovered in a summary Way, as Debts under *Five Pounds* are by Law directed to be recovered, if the same shall not exceed *Five Pounds*; if otherwise, to be recovered by Action of Debt, to be brought at the Suit of the Party injured, in any Court of Common Pleas within this Province.

Penalty on Persons harbouring or concealing such Apprentices.

V. *PROVIDED always, nevertheless*, That nothing in this Act contained shall be deemed, held or understood to repeal, alter or change any Article, Clause or Thing in the Act of General Assembly of this Province, intituled, *An Act for establishing Orphans Courts*, passed in the Eleventh Year of *Queen ANNE*.

VI. *AND be it further enacted by the Authority aforesaid*, That the Act, intituled, *An Act for the Regulation of Apprentices within this Province*, passed in the Third Year of his present Majesty's Reign, and every Article, Clause and Thing therein contained, shall be, and is hereby declared to be repealed, null and void.

Former Law repealed.

Passed September 29, 1770.

C A P. XVI.

An ACT for the Support of the Government of this Province, and Payment of the Public Debts.

Passed September 29, 1770.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Domini 1770, in the Tenth Year of the Reign of our Sovereign Lord GEORGE III. and continued by Adjournments to the Ninth Day of *March* following.

C A P. I.

An ACT for preventing Tumults and riotous Assemblies, and for the more speedy and effectual punishing the Rioters.

Passed February 9, 1771.

C A P. II.

A SUPPLEMENT to the Act, intituled, *An Act for erecting Part of the Counties of Philadelphia, Chester and Lancaster, into a separate County.*

Preamble.

WHEREAS by the Act of General Assembly of this Province, for erecting the County of *Berks*, passed in the Twenty-fifth Year of the late Reign, it is provided and enacted, That the Freemen and Inhabitants of the said County, qualified by the Laws of this Province to vote at the general Elections, should annually choose (until it should otherwise be ordered by Law) one Representative or Delegate, to represent them in Assembly. And whereas, since the Passing the said Law, the Number of Inhabitants in the said County is considerably increased, and its Limits extended; BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Freeholders and Inhabitants of the said County of *Berks*, qualified by the Laws of this Province to vote at the general Election, shall, at the same Time the Inhabitants of the other Counties meet for like Purposes, assemble at their County Town of *Reading*, and elect for the said County two Representatives or Delegates, to serve them in Assembly, in the same Manner as by the Charter and Laws of this Province is directed in respect to the other Counties; which said Representatives, so chosen, shall be Members of the General Assembly of this Province of *Pennsylvania*, and sit and act as such, as fully and freely, as any of the Representatives for the other Counties within this Province do, may, can or ought to do.

Freeholders, &c. of *Berks* County to elect two Representatives, &c.

Part of the Act of 25th Geo. II. repealed.

II. AND be it further enacted by the Authority aforesaid, That so much of the said Act of General Assembly, passed in the Twenty-fifth Year of the Reign of GEORGE the Second, to which this Act is a Supplement, as relates to the Election of one Member of Assembly for the said County, shall be, and is hereby declared to be repealed, and made null and void.

Passed March 9, 1771.

C A P. III.

An ACT to prevent the Destruction of Rock-fish and Oysters.

Preamble.

WHEREAS the catching small Rock-fish, and the taking Oysters at improper Times, tend to deprive the Markets in this Province of such Supplies of them, as by prudent Regulations may be continued; BE IT THEREFORE

FORE ENACTED by the Honourable JOHN PENN, Esquire, Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Person or Persons whatsoever shall, at any Time between the first Day of *March* and the first Day of *December*, in any Year after the Publication of this Act, at any Place within this Province, offer to Sale any Rock-fish, which shall not measure twelve Inches at least, from the Eye to the Fork of the Tail thereof; or if any Person or Persons shall, at any Time between the tenth Day of *May* and the first Day of *September*, in any Year after the Publication hereof, at any Place within this Province, offer to Sale any Oysters whatsoever, the Person or Persons so offending shall forfeit such Fish or Oysters; and the Clerk of the Market, or any Overseer of the Poor, or Constable in the City of *Philadelphia*, or any Overseer of the Poor, or Constable of the Borough, District or Township respectively, in which any Fish or Oysters shall be offered to Sale contrary to this Act, shall, and are hereby required immediately to seize the same, for the Use of the Poor of such City, Borough, District or Township.

Rock-Fish offered for Sale, between the first of *March* and the first of *December*, not measuring 12 Inches, to be forfeited.

Oysters offered for Sale, between the tenth of *May* and the first of *September*, to be forfeited.

II. AND whereas it has been a Practice with some Persons, who carry about Oysters for Sale, to cover such Oysters with Clams, alledging that they do not offer such Oysters to Sale, yet dispose thereof contrary to Law, falsely pretending to sell Clams only, *Be it therefore further enacted by the Authority aforesaid*, That if any Person or Persons shall, at any Time between the tenth Day of *May* and the first Day of *September*, as aforesaid, at any Place within this Province, carry about, or have in his Possession at the same Time, any Oysters together with Clams or other Articles, offering such Clams or other Articles for Sale, every such Person or Persons so offending shall forfeit such Clams or other Articles, together with such Oysters; and the Clerk of the Market, or any Overseer of the Poor, or Constable of the City of *Philadelphia*, or any Overseer of the Poor, or Constable of the Borough, District or Township respectively, in which such Clams or other Articles shall be so offered to Sale, shall immediately seize the same, together with such Oysters, for the Use of the Poor of such City, Borough, District or Township.

Clams, &c. offered for Sale by any Person, having Oysters in his Possession at the same Time, to be forfeited.

III. *PROVIDED* always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him, her or themselves aggrieved by such Seizure as aforesaid, he, she or they may appeal to any Justice of the Peace in and for the City, Borough or County, where such Seizure shall be made, who is hereby empowered to hear, and finally determine the same; and if thereupon it shall be adjudged by such Justice, that the Seizure was legally made, the Person or Persons so appealing shall further forfeit *Ten Shillings*, for the Use of the Poor of the City, Borough, District or Township respectively, in which such Seizure shall be made,

Persons aggrieved may appeal, &c.

IV. *AND* be it further enacted by the Authority aforesaid, That the Act, Former Act intituled, *An Act to prevent the Destruction of small Rock-fish, and taking of Oysters, and bringing them into this Province out of Season*, passed in the Sixth Year of His present Majesty's Reign, be, and the same is hereby repealed and made void.

repealed.

Passed March 9, 1771.

C A P. IV.

An ACT to regulate the Fishery in the River *Schuylkill*.

WHEREAS it hath become a common Practice to fish in the lower Parts of the River *Schuylkill* with divers Seines or Nets in the same Pool or Fishing-place, so that Shad and other Fish are, in a great Measure, prevented from running up the same to the Places where they usually spawn; whereby their Numbers are too much diminished, and the Inhabitants of this Province, dwelling near the upper Parts of the said River, are deprived of a reasonable Proportion of such Fish: For Remedy whereof, BE IT ENACTED by the Honourable

Preamble.

Penalty on Persons using more than one Seine or Net in 24 Hours, in one Pool or Fishing-place, &c.

What to be deemed a Pool or Fishing-place.

Persons residing opposite to each other, having suitable Landings for drawing Seines, &c. to fish alternately, &c.

Hoop-nets not prohibited.

Penalty on Persons drawing a Seine between Sunset on Saturday and Sunrise on Monday.

Limitation of this Act.

JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That from and after the Publication of this Act, no more than one Seine or Net shall be cast, drawn or made use of, by any Person or Persons whatsoever, in any one Pool or Fishing-place in the said River, within any one Term of Twenty-four Hours, to begin from Twelve of the Clock at Noon, and to continue until the same Hour the next Day; and that if any Person or Persons shall cast, draw or make use of any Seine or Net, in any Pool or Fishing-place in the said River, or shall be aiding or assisting therein, within the Time aforesaid, after any other Seine or Net has been within that Time drawn out of the same, every such Person or Persons so offending, being thereof convicted before any Justice of the Peace in and for the County, where he or they shall be apprehended (which Justice is hereby authorised and empowered to hear, try and determine the same) shall forfeit the Sum of *Five Pounds* for every such Offence, to be paid to the Overseers of the Poor of the Township, where such Offender shall reside, to the Use of the Poor thereof.

II. AND in order to ascertain what shall be deemed and held to be a Pool or Fishing-place, within the Meaning of this Act, *Be it enacted*, That so much of the said River as extends from one Side or Bank, to the other Side or Bank thereof, and from the Place where Seines or Nets have been usually thrown in, to the Place where they have been usually taken out, shall be deemed and held, and is hereby declared to be a Pool or Fishing-place, within the Meaning of this Act.

III. *AND be it further enacted by the Authority aforesaid*, That where two or more Persons, residing opposite to each other near the said River, on different Sides thereof, may have suitable Landing-places on their respective Shores, or on an Island opposite thereto, for taking Seines or Nets out of a Pool or Fishing-place, it shall and may be lawful for such Persons respectively to fish with their Seines or Nets alternately, and not otherwise; that is to say, the Person or Persons possessing such Landing-place as aforesaid, who shall reside near one Side of the said River, shall or may fish in such Pool or Fishing-place, with one Seine or Net only, for and during the Time of Twenty-four Hours, to be computed as aforesaid; and the Person or Persons possessing such Landing-place as aforesaid, who shall reside near the other Side of the said River, shall or may fish in such Pool or Fishing-place, with one Seine or Net only, for and during the Time of Twenty-four Hours, to be computed as aforesaid, next following, and so alternately for the Season.

IV. *PROVIDED always nevertheless*, That any Person or Persons may fish with Hoop-nets in the said River, as if this Act had never been made.

V. *PROVIDED always, and be it further enacted by the Authority aforesaid*, That if any Person or Persons shall cast, draw or make use of any Seine or Net for catching Fish in the said River, or shall be aiding or assisting therein, between the Sun's Setting on a *Saturday*, and the Sun's Rising on the *Monday* next following, every such Person being thereof convicted, in Manner aforesaid, shall forfeit the Sum of *Five Pounds*, to be paid to the Overseers of the Poor of the City, Borough, District or Township, where such Offender shall reside.

IV. *AND be it further enacted by the Authority aforesaid*, That this Act shall continue in Force for five Years, and from thence to the End of the next Sitting of Assembly, and no longer.

Passed March 9, 1771.

C A P. V.

An A C T for the immediate raising of Money, heretofore granted for the Defence of the City of *Philadelphia*.

Preamble.

WHEREAS in and by the Act of General Assembly, passed in the Second Year of His present Majesty's Reign, intituled, *An Act for granting to His Majesty the Sum of Twenty-three Thousand Five Hundred Pounds, for the*

Purposes

Purposes therein mentioned, the Sum of *Fifteen Thousand Pounds* was given and granted to His Majesty, for the Defence and Protection of the City of *Philadelphia*. And whereas a Peace being settled and confirmed shortly after the passing of the said Act, between His said Majesty and the Courts of *France* and *Spain*, it was thought unnecessary immediately to expend the said Sum of Money for the Purposes aforesaid, and *Eight Thousand Pounds*, Part thereof, by Virtue of the Act of General Assembly, passed in the Third Year of the said Reign, were advanced and lent to the Commissioners for cleansing and paving the Streets of the City of *Philadelphia*, to be repaid on or before the Tenth Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Seventy, out of the Monies directed to be raised and levied by the Act, passed in the Second Year of the said Reign, intituled, *An Act for regulating, pitching, paving and cleansing the Highways, Streets, Lanes and Alleys, and for regulating, making and amending the Water-courses and Common Sewers, within the inhabited and settled Parts of the City of Philadelphia, &c.* And whereas all the Monies, which have been raised and levied by the said last recited Act, have been necessarily applied for and towards other Purposes in the same Act specified, so that no Part of the said *Eight Thousand Pounds* has been repaid, and it will be extremely burthensome and distressing to the Inhabitants of the said City, already labouring under a Variety of Taxes, to repay the same immediately. And whereas in and by the Act of General Assembly, passed in the Third Year of His present Majesty's Reign, intituled, *An Act for granting to His Majesty the Sum of Twenty-four Thousand Pounds, for the Defence and Protection of this Province, &c.* the Sum of *Seven Thousand Pounds*, Residue of the said *Fifteen Thousand Pounds*, was advanced and lent to his Majesty for the said Purpose, to be repaid by an Extension of the Excise on spirituous Liquors, for and during the Space of three Years from the Time limited in and by the Act of General Assembly, passed in Thirtieth Year of the Reign of His Majesty *GEORGE* the Second, intituled, *An Act for striking the Sum of Thirty Thousand Pounds in Bills of Credit, and giving the same to the King's Use, &c.* And whereas in and by the Act of General Assembly, passed in the Seventh Year of His present Majesty's Reign, intituled, *An Act for raising the Sum of Twenty Thousand Pounds, for the Support of the Government of this Province, and Payment of the Public Debts*, the said Excise was further continued for and during the Space of four Years, in order to sink the Bills of Credit by the same Act emitted and applied to the Support of the Government aforesaid; and in as much as the said Sum of *Seven Thousand Pounds* was not then necessary for the Defence of the said City, it was enacted by the last recited Act, that the Raising and Repayment thereof by the said Excise should be postponed, until the said Bills of Credit should be fully sunk and destroyed, by Reason whereof the said Sum of *Seven Thousand Pounds* is not as yet raised, nor can the same be raised by the said Excise during the Space of several Years to come: And whereas at this Time of imminent Danger, when a War between our most gracious Sovereign and the King of *Spain* is daily expected, it is expedient, for the Protection and Safety of the Inhabitants, that the City of *Philadelphia* should with all convenient Speed be put into a proper State of Defence, for which Purpose it is necessary that the said several Sums of *Eight Thousand* and *Seven Thousand Pounds* should be immediately raised, and repaid into the Provincial Treasury, for the Purpose aforesaid: Therefore, BE IT ENACTED by the Honourable *JOHN PENN*, Esq; Lieutenant-Governor, under the Honourable *THOMAS PENN*, and *RICHARD PENN*, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That Bills of Credit, to the Value of *Fifteen Thousand Pounds*, shall be prepared and printed, within two Months next after the Passing of this Act, on good strong Paper, under the Care and Direction of *Samuel Rhoads*, *Abel James*, *Charles Humphreys*, and *Isaac Pearson*, Esquires, or any three of them, the Charges whereof shall be paid by the Provincial Treasurer, out of the Monies arising, or to arise, by Virtue of the Act of Assembly herein after recited and continued; which Bills of Credit shall be made and prepared in the Manner and Form following, viz.

Form of the
Bill.

THIS indented Bill of-----shall intitle the Bearer to receive of the Provincial Treasurer, the like Sum of-----of equal Value with the same Sum, of the Bills of Credit now by Law current, according to the Directions of an Act of General Assembly of Pennsylvania, made in the Eleventh Year of the Reign of His Majesty GEORGE the Third. Dated the Twentieth Day of March, One Thousand Seven Hundred and Seventy-one.



AND the said Bills shall have such like Escutcheons as in the Margin hereof, with such other Devices, as the said Samuel Rhoads, Abel James, Charles Humphreys, and Isaac Pearson, shall think proper, as well to prevent Counterfeits, as to distinguish their several and respective Denominations; each of which Bills shall be of the several and respective Denominations following, and no other; that is to say,

Their several
Denomina-
tions.

SIX Thousand of the same Bills, the Sum of Twenty Shillings in each of them.

SIX Thousand of the same Bills, the Sum of Fifteen Shillings in each of them.

SIX Thousand of the same Bills, the Sum of Ten Shillings in each of them.

SIX Thousand of the same Bills, the Sum of Five Shillings in each of them.

Care to be taken that the
Number of
Bills be not
exceeded,
&c.

II. AND the said Samuel Rhoads, Abel James, Charles Humphreys, and Isaac Pearson, shall use their best Care, Attention and Diligence, during the Printing of the said Bills, that the Number and Amount thereof, according to their respective Denominations aforesaid, be not exceeded, nor any clandestine or fraudulent Practice used by the Printer, his Servants, or others concerned therein.

Signers
Names.

III. AND for perfecting the said Bills, according to the true Intent and Meaning of this Act, *Be it further enacted by the Authority aforesaid*, That all and every of the said Bills shall be signed by three of the Persons hereafter named, that is to say, *Joseph Morris, William Fisher, Joshua Howell, Luke Morris, Daniel Roberdeau, Isaac Cox, Jacob Shoemaker, junior, Francis Hopkinson, Stephen Collins, Joel Evans, Robert Strettell Jones, and Thomas Mifflin*; who are hereby nominated and appointed to be Signers of the said Bills, and shall, before they receive or sign any of them, take an Oath or Affirmation to the Effect following, *viz.*

Signers Qua-
lification.

THAT they shall well and truly sign and number all the Bills that shall come to their Hands for that Purpose, by the Direction of this Act, and the same, so signed and numbered, will deliver, or cause to be delivered, unto the said Samuel Rhoads, Abel James, Charles Humphreys, and Isaac Pearson, or any three of them, pursuant to the Directions of this Act.

Committee of
Assembly to
deliver the
Bills to the
Signers, in
Parcels, who
are to give
Receipts for
the same, &c.

IV. AND for avoiding the Danger of Embezzlement or Misapplication of the said Bills of Credit, *Be it further enacted by the Authority aforesaid*, That the said Samuel Rhoads, Abel James, Charles Humphreys, and Isaac Pearson, or any three of them, after the said Bills shall be printed, shall deliver them to the Signers aforesaid, to be signed and numbered, by Parcels, for which the said Signers, or some of them, shall give their Receipt; that is to say, *Three Thousand Pounds Value in the said Bills at one Time, and so from Time to Time until all the said Bills of Credit shall be signed and numbered, in such Manner, that not more than the Value of Three Thousand Pounds shall remain in such Signers Hands at one Time*; of all which said Bills of Credit, so delivered to be signed, a true Account shall be kept by the Signers, who, upon their Re-delivery of each or any Parcel of the said Bills by them signed and numbered, shall take the Receipt of the said Samuel Rhoads, Abel James, Charles Humphreys, and Isaac Pearson, or any three of them, to charge them before any Committee of Assembly to be appointed for that Purpose.

Signers, &c.
Allowance
for their
Trouble.

V. AND each of the said Signers shall receive *Fifteen Shillings* for every Thousand of the said Bills by them signed and numbered; and each of the said Samuel Rhoads, Abel James, Charles Humphreys, and Isaac Pearson, shall have and receive for their Trouble the Sum of *Ten Shillings per Diem*; and the said Treasurer, for receiving and paying the said Bills of Credit, shall be allowed *Five Shillings* for every Hundred Pounds, and no more, out of the Monies arising by the Excise on spirituous Liquors herein after mentioned.

VI. AND

VI. *AND be it further enacted by the Authority aforesaid*, That as soon as the said Bills shall be signed, numbered and perfected, the said *Samuel Rboads, Abel James, Charles Humphreys, and Isaac Pearson*, or any three of them, shall deliver them to the said Provincial Treasurer, and take his Receipt or Receipts for the same.

Bills, when signed, to be delivered to the Provincial Treasurer.

VII. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall presume to counterfeit any of the said Bills of Credit made and issued by Virtue of this Act, by printing, or procuring the same to be printed in the Likeness or Similitude of the said Bills of Credit, or if any Person or Persons shall forge the Name or Names of the Signers of the said true Bills of Credit to such counterfeit Bills, whether the Counterfeiting of the said Bills of Credit or Names be done within this Province or elsewhere, or shall utter such Bills, knowing them to be counterfeited as aforesaid, and being thereof legally convicted, by Confession, standing mute, or by the Verdict of Twelve Men, in any Court of Oyer and Terminer, within this Province, he, she or they shall suffer Death, without Benefit of Clergy; and the Discoverer or Informer shall have, as an Encouragement to his Discovery, the Sum of *Fifty Pounds*, of the Value of the Goods and Chattels, Lands and Tenements of the Person or Persons convicted; and if no such Goods and Chattels, Lands and Tenements, can be found, the Sum of *Ten Pounds*, to be paid by the Province. And if any Person or Persons shall counterfeit any of the said Bills of Credit, by altering the Denomination thereof, with Design to increase the Value of the said Bills, or shall utter such Bills, knowing them to be so counterfeited or altered, and shall thereof be legally convicted in any Court of Quarter Sessions of the Peace, within this Province, every such Person and Persons shall be sentenced to the Pillory, have both of his or her Ears cut off and nailed to the Pillory, and be publicly whipped on his or her bare Back with Thirty-nine Lashes, well laid on; and moreover, every such Offender shall forfeit the Sum of *One Hundred Pounds*, to be levied on his or her Lands, Tenements, Goods and Chattels, one Half thereof to the Use of the Governor, and the other Half to the Discoverer, and the Offender shall pay to the Party grieved double the Value of the Damages thereby sustained, together with the Costs and Charges of the Prosecution; and in case the Offender shall not have sufficient to satisfy such Discoverer for his or her Damages, and pay the Forfeiture aforesaid, he or she shall be sold for any Term, not exceeding seven Years, to make such Satisfaction, and in such Case the said Discoverer shall be paid by the Province the Sum of *Ten Pounds*, and every such counterfeit Bill shall be delivered to the said Treasurer, to be made Use of upon the Trial of the Person accused or suspected, and afterwards to be burnt, sunk and destroyed, in the Presence of a Committee of Assembly.

Counterfeiters, or Utters of Counterfeit Bills, how to be punished.

VIII. *AND be it further enacted by the Authority aforesaid*, That *Joseph Galloway, Benjamin Chew, Thomas Cadwalader, Joseph Fox, Michael Hillegas, John Morton, and John Baynton*, Esquires, or a Majority of them, or the Survivors of them, with the Consent and Approbation of the Governor or Commander in Chief for the Time being, and not otherwise, shall apply and order the Bills of Credit, so paid into the Hands of the Provincial Treasurer, for and towards building and erecting such Fortifications, and raising, victualling, cloathing and paying so many Officers and Men, as may be necessary for the Defence and Protection of the City of *Philadelphia*, and for those Purposes shall draw Orders on the said Treasurer, as often as there may be Occasion; which Orders, when paid, shall be produced to the Committee of Assembly for the Time being, and by them be allowed in Discharge of so much Money as shall be therein expressed; and the said Commissioners shall have, for their Trouble in discharging the Duties hereby enjoined, the Sum of *Fifteen Pounds* each, and no more.

Commissioners appointed for laying out the 15,000 l.

Who are to draw Orders on the Provincial Treasurer, &c.

IX. *AND* whereas it is expedient that the said Bills of Credit, hereby directed to be made and emitted, should be called in, sunk and destroyed, as soon as conveniently may be, *Be it therefore enacted by the Authority aforesaid*, That the said Provincial Treasurer shall, and he is hereby enjoined and required, out of the Monies which shall be in his Hands, arising from the said Excise, from Time to Time, after the Bills of Credit, made and emitted by Virtue of the said Act for raising *Twenty Thousand Pounds* for the Support of the Government of this Pro-

Manner of sinking 7000 l. Part of the Money hereby emitted.

vince,

vince, and Payment of the public Debts, shall be fully paid off and discharged, to pay off and discharge *Seven Thousand Pounds* of the said Bills of Credit, hereby directed to be made and emitted, and shall upon such Payment receive the same Bills of their respective Bearers, and shall yearly, as they come to his Hands, deliver over the same to such Committees of Assembly as shall be annually appointed to settle the public Accounts, to be by them burnt, sunk and destroyed.

Manner of
sinking the
Residue.

X. AND in order to pay off and discharge the Sum of *Eight Thousand Pounds*, Residue of the said Bills of Credit hereby directed to be made and emitted, *Be it further enacted by the Authority aforesaid*, That the Treasurer appointed or to be appointed by the Commissioners, elected by Virtue of the Act, passed in the Ninth Year of His present Majesty's Reign, intituled, *An Act for regulating, pitching, paving and cleansing the Highways, Streets, Lanes and Alleys, and for making and amending the Water-courses and Common Sewers, within the inhabited and settled Parts of the City of Philadelphia, and for raising of Money to defray the Expences thereof, and for other Purposes therein mentioned*, shall, yearly and every Year, out of the Monies which shall come into his Hands by Virtue of this Act, pay off, discharge and redeem at least *Eight Hundred Pounds*, Part of the said *Eight Thousand Pounds*, hereby directed to be emitted, until the whole thereof shall be paid off and redeemed; for which Purpose, yearly and every Year, there shall be laid, assessed and levied, a just and proportionable Rate and Tax on all Estates, real and personal, and Taxables, within the said City, by the same Persons, and under the same Penalties, to be recovered in the same Manner, as the Sums of Money to be raised for the Purposes mentioned in the said last recited Act are thereby directed to be laid, assessed and levied; and when so levied, the same shall be paid to the said Treasurer, to be by him applied, from Time to Time, to the Payment and Discharge of the said Bills hereby directed to be emitted; and the said Treasurer, upon such Payment and Discharge of the said Bills, shall receive the same of their respective Bearers, and yearly, as they come to his Hands, deliver them over to the Committee of Assembly, for the Time being, appointed to settle the public Accounts, to be by them burnt, sunk and destroyed.

Part of a former Act repealed.

XI. *AND be it further enacted by the Authority aforesaid*, That so much of the said Act, intituled, *An Act for granting to His Majesty the Sum of Twenty-three Thousand Five Hundred Pounds, for the Purposes therein mentioned*, as relates to the Appointment of Commissioners, and Disposition of the said Sum of *Fifteen Thousand Pounds*, shall be and is hereby repealed, and null and void.

Passed March 9, 1771.

C A P. VI.

An ACT for regulating the Fishery in the Rivers *Codorus* and *Connewaga*, in *York* County.

Preamble.

WHEREAS it hath been represented to the Assembly, by Petition from a Number of the Freeholders of the County of *York*, that live on or near the Rivers *Codorus* and *Connewaga*, that their Ancestors, themselves, and the poor adjacent Inhabitants, have formerly enjoyed great Advantages from the Fishery in the same Rivers; but that the Petitioners and others have, for some Time past, been in great Measure deprived of this Benefit, from divers Persons having erected Dams across the said Rivers, to the almost total Obstruction of the Fish running up the same; Wherefore, for remedying the Mischiefs aforesaid, BE IT ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all and every Person and Persons whatsoever, having already erected, or that shall hereafter erect any Mill-dam or other Obstruction across the said River *Codorus*, below the Forks thereof, or *Connewaga*, below the Mouth of *Bermudian Creek*, shall make, open and leave the Space of five Feet

Feet in Breadth, near the Middle of said Dam, at least fourteen Inches lower than any other Part thereof, so that there be at least twelve Inches Depth of Water during the Months of *March, April* and *May*, in every Year, constantly running through the same; and for every Foot that the Dam is or shall be raised perpendicular from the Bottom of the said River, there shall be laid a Platform, either of Stone or Timber, or of both, with proper Walls on each Side, to confine the Waters, which shall extend at least four Feet down the Stream, and of the Breadth aforesaid, to form a Slope for the Waters gradual Descent; and that all and every Person and Persons, who shall refuse or neglect to make or alter his, her or their Dams, in the Manner directed as aforesaid, within the Term of one Year next after this Act shall be in Force, every such Person so offending contrary to the true Intent and Meaning of this Act, being legally convicted thereof, by the Oath or Affirmation of one or more Witnesses, or by his or her own Confession, shall forfeit and pay the Sum of *One Hundred Pounds*, lawful Money of this Government, for every such Offence, or suffer Twelve Months Imprisonment, without Bail or Main-prize; one Moiety of which Forfeiture shall be paid to the Informer or Prosecutor, and the other Moiety to the Overseers of the Poor of the Township where such Offender shall reside, for the Use of the Poor of the said Township.

Manner of erecting Mill-dams below the Forks of Codorus, or on Connewaga, below the Mouth of Bermudian Creek, &c.

II. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons whatsoever, from and after this Act shall be in Force, shall erect, build, set up, repair or maintain, or shall be aiding, assisting or abetting in erecting, building, setting up, repairing or maintaining any Wear, Rack, Basket, Fishing-dam, Pound, or other Device or Obstruction whatsoever, within the said Rivers, below the Places aforesaid, for the taking of Fish; or that shall fix or fasten any Net or Nets across the same, or any Part thereof, whereby the Fish may be obstructed from going up the same; or that shall take, destroy or spoil any Spawn, Fry or Brood of Fish, of any Kind whatsoever, in any such Wear, Rack, Basket, Pound or other Device aforesaid, every such Person so offending, being thereof legally convicted in Manner aforesaid, shall forfeit and pay the Sum of *Fifty Pounds*, lawful Money of this Government, for every such Offence, or suffer Six Months Imprisonment, without Bail or Main-prize; one Moiety of which Forfeiture shall be paid to the Informer, or Person who shall prosecute for the same, the other Moiety to the Use of the Poor of the Township where such Offender shall reside.

Penalty on erecting Wears, &c.

III. *AND*, for the more effectual detecting and punishing Offenders against this Act, *Be it enacted by the Authority aforesaid*, That the Constables of each respective Township, which shall be bounded by, or adjoining to any Part of the said Rivers, shall, and they are hereby enjoined and required, under the Penalty of *Five Pounds*, to be recovered as Debts not exceeding *Five Pounds* are directed by Law to be recovered, and to be applied in the Manner last aforesaid, carefully and diligently to inspect and view, once at least in every Month after this Act shall be in Force, such Parts of the said Rivers as shall be adjoining to his respective Township, and having any Knowledge of any Offence against this Act, he shall forthwith give Information to the next Justice of the Peace, who shall call such Offender before him by Warrant or Summons, and if, on hearing, he shall appear to be guilty of any Offence against this Act, the said Justice shall take his Recognizance, with one sufficient Surety, for his Appearance at the next Court of General Quarter Sessions of the Peace to be held for the said County.

Constables to inspect and give Information of Offences against this Act, &c.

IV. *AND be it further enacted by the Authority aforesaid*, That after the said Dams shall be altered or built agreeable to the true Intent and Meaning of this Act, no Person or Persons whatsoever shall cast or draw any Net or Seine in the said Rivers, at or within the said Opening, or within twenty Perches above or below the same, under the Penalty of *Fifty Pounds*, to be recovered and applied in Manner first aforesaid.

Mill-dams being made agreeable to this Act, no Person to draw a Seine, &c.

V. *PROVIDED always nevertheless*, That nothing in this Act contained shall be construed or understood to deprive or hinder any Person from drawing a Seine or Net, for the taking of Fish in any Part of the said Rivers, except in the Places last aforesaid.

Passed March 9, 1771.

C A P. VII.

An ACT for appointing Regulators in the Southern Parts of the *Northern Liberties* of the City of *Philadelphia*, and for other Purposes therein mentioned.

Preamble.

WHEREAS there is a certain Tract of Land, in the Township of the *Northern Liberties*, adjoining to and bounded by the City of *Philadelphia*, beginning at the Northern Bounds of the said City, on the River *Delaware*; thence up the same River, the several Courses thereon, to *Shackamaxon Creek*, commonly called *Gunner's Run*; thence up the West Side of the same Creek to the South Line of the Lands of the Estate of *Isaac Norris*, deceased; thence by the same Tract of Land, the several Courses thereof, to the Road leading from *Philadelphia* to *Frankford*; thence down the same Road to a Stake; thence West to the Mustard-mill on the *Germantown Road*, belonging to the Estate of *William Masters*, deceased; thence continuing the same Course to the *Old York Road*; thence on the West Side of the said Road, the several Courses thereof, to *Peach Grove Lane*; thence westerly up the said Lane to the Head thereof; thence continuing the same Course to *Wissabickon Road*; thence down the same Road, the several Courses thereof, to the Northern Bounds of the said City; thence by the same City to the River *Delaware*, the Place of Beginning; through which said Tract of Land several of the Streets of the said City, running North and South, have legally been extended, and the Owners and Possessors, by common Consent, have opened cross Streets, running westward from said River *Delaware*, and have built and erected thereon, at a very great Expence, a large Number of Houses, Messuages, Wharffs, Stores and other Buildings. And whereas great Inconveniences have already accrued for Want of Surveyors or Regulators, to lay out the proper Gutters, Channels and Conduits, for carrying off the Waters, and to set out the Lots, and to regulate the Walls to be built between Party and Party, within the Limits of the said described Tract of Land; For Remedy whereof, BE IT ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Commissioners of the County of *Philadelphia* shall, and they are hereby required and enjoined to appoint three Surveyors or Regulators of the said Streets, who, being first approved of by the Justices of the County Court of Quarter Sessions of the Peace for the said County, shall, upon Application made to them, have full Power and Authority to regulate and lay out the proper Gutters, Channels and Conduits, for the carrying off the Waters within the Limits of the said described Piece of Land, and to enter upon the Lands of any Person or Persons, in order to set out the Foundations, and to regulate the Walls to be built between Party and Party, within the said described Piece of Land, as to the Breadth and Thickness thereof, which Foundations shall be equally laid upon the Lands of the Persons between whom such Party Wall is to be made, and the first Builder shall be paid and reimbursed by the Builder on the adjoining Lot, one Moiety or Half Part of the Charge of such Party Wall, or for so much thereof as the Builder on the adjoining Lot shall have occasion to make Use of, before he shall in any wise use or break into the said Wall, and that the Charge or Value thereof shall be set by the said Regulators, or any two of them.

Commissioners of the County of *Philadelphia* to appoint three regulators, &c.

In case of Death or Removal, Commissioners to appoint others.

II. *AND* be it further enacted by the Authority aforesaid, That in case of the Death, Removal or Misbehaviour of any of the said Surveyors or Regulators, the said County Commissioners shall, and they are hereby enjoined and required to appoint others in his or their Place or Places, who, being first approved of by the Justices of the said County Court of Quarter Sessions of the Peace, shall be vested with the same Powers and Authorities as the Surveyors or Regulators before mentioned.

III. *AND*

III. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall begin to lay the Foundation of any Party Wall, or of any Wall fronting on any of the Streets within the Bounds aforesaid, before the same be viewed and directed by the said Regulators, or any two of them, or shall encroach on the Street by such Building, or make any Gutter, Channel or Conduit, farther into the Street than allowed by the said Regulators, every such Person, as well Employer as Master Builder, shall forfeit the Sum of *Five Pounds*, to be paid to the Supervisors of the Highways of the *Northern Liberties*, to be laid out in amending and repairing the Streets and Highways, within the said described Tract of Land, being of the said Offence first convicted in the County Court of Quarter Sessions of the County of *Philadelphia* aforesaid.

Penalty on
Persons
building Par-
ty Walls, &c.
before the
same be view-
ed by the Re-
gulators, &c.

IV. *PROVIDED always, and be it further enacted by the Authority aforesaid*, That if either Party between whom such Foundation or Party Wall is to be made, shall conceive themselves aggrieved by any Order or Direction of the said Regulators, he or they may appeal to the Justices of the next County Court of Common Pleas to be held for the County of *Philadelphia*, who shall forthwith order a *Venire*, directed to the Sheriff of the said County, commanding him to summon a Jury for the Trial of the Matter in Dispute, and proceed to determine the same, according to the Course of the common Law.

Persons ag-
grieved, may
appeal, &c.

V. *AND be it further enacted by the Authority aforesaid*, That the said Regulators or Surveyors attending the said Service, for their Trouble in setting out and regulating the Lines of each Lot, shall be paid by the Party or Parties concerned *Six Shillings* each, and no more; and for surveying and regulating any of the said Streets or Highways, the Sum of *Six Shillings* each *per Diem*, and no more, to be paid out of the Monies which shall be raised for repairing and amending the public Streets and Highways in the said Township.

Regulators
Allowance
for their
Trouble.

VI. *AND for the preventing of Accidents that may happen by Fire within the said described Piece of Land, Be it enacted by the Authority aforesaid*, That if any Person or Persons, within the said described Piece of Land, shall set on Fire his or their Chimney or Chimnies, to cleanse them, or shall suffer the same to be done, or that shall suffer any of them to blaze out at Top, and be thereof legally convicted before any Justice of the Peace of the County of *Philadelphia*, such Person or Persons shall forfeit and pay the Sum of *Twenty Shillings*, to the Overseers of the Highways of the said Township of the *Northern Liberties* aforesaid, to be laid out in amending and repairing the said Streets and Highways within the said described Piece of Land.

Penalty on
Persons set-
ting their
Chimnies on
Fire, &c.

VII. *PROVIDED always*, That nothing in this Act shall be deemed or construed to repeal any Matter, Clause or Thing, in a certain Act of Assembly, passed in the Fifth Year of His present Majesty's Reign, intituled, *An Act for opening, and better amending and keeping in Repair, the public Roads and Highways within this Province*; and of one other Act of Assembly, passed in the Tenth Year of His present Majesty's Reign, intituled, *An Act to continue the Act, intituled, An Act for the opening, and better amending and keeping in Repair, the public Roads and Highways within this Province*; but the same, and every Part thereof, shall continue and remain in Force during the Term limited in the said Acts, saving in such Parts as are hereby altered, changed or supplied.

Passed March 9, 1771.

C A P. VIII.

A SUPPLEMENT to the Act, intituled, *An Act for the better Regulation of Servants in this Province and Territories.*"

WHEREAS in and by the Act of Assembly, passed in the Twelfth Year of the Reign of WILLIAM the Third, intituled, *An Act for the Regulation of Servants in this Province and Territories*, full Powers are given to the Courts of General Quarter Sessions, in this Province, to make Restitution to the Masters and Mistresses of such Servants, as shall absent themselves from their Service during the Term of their Servitude, but no clear and express Authority is given to the said Courts, to order and enforce the Delivery and Payment of Freedom Dues to the said Servants, at the Expiration of their Servitude, and such Servants are left to their Remedy by Action of Covenant, which is attended with so much

Preamble.

Where Freedom Dues are with-held by Masters or Mistresses, &c. Manner of obtaining the same, &c.

much Expence and Trouble, that many Servants, after having faithfully discharged their Duty and Servitude, are discouraged from prosecuting their Suits, and thereby deprived of their just Dues ; For the remedying whereof, BE IT ENACTED by the Honourable JOHN PENN, Esquire, Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That it shall and may be lawful to and for the Justices in the Court of Quarter Sessions for the City of *Philadelphia*, or any County within this Province, on Complaint made, by Petition presented to them by any Servant, who shall have served out his or her Time, that his or her last Master or Mistress, their Executors or Administrators, have not furnished him or her with Freedom Dues, and performed the Covenants in his or her Indentures mentioned, to cause the said Master or Mistress, their Executors or Administrators, to come before them, and after hearing the Allegations of the Parties and Evidences, if it shall appear to them just and reasonable, to adjudge, order and direct Delivery or Payment of such Freedom Dues, Sums of Money, or other Things, as shall be justly due to the said Servant at the Expiration of his or her Servitude, according to Law, and the Covenants in his or her Indentures mentioned. And if the said Master or Mistress, his or her Executors or Administrators, shall neglect or refuse to comply with such Order of the said Justices, in such Time as shall be by them appointed, to adjudge the Value of such Freedom Dues, and give Judgment, and award Execution, with reasonable Costs of Suit, to be levied by any Constable accordingly. And if the said Petitioner shall be by the said Justices found to have no just Cause of Complaint, he or she shall pay all Costs, to be recovered and levied in Manner aforesaid.

Servants absenting from their Masters or Mistresses, without Leave, Manner of obtaining Recompence.

II. AND whereas Doubts have arisen, whether, by Virtue of the Act to which this is a Supplement, the Justices in their General Sessions can, after the Expiration of the Time of Servitude, legally make any Order, obliging the Person who was a Servant, and, during his or her Servitude, had quitted the Service of his or her Master or Mistress, further to serve such former Master or Mistress, as a Satisfaction for the Damages and Charges sustained thereby : To remove the said Doubts, and also to provide a just Recompence to such Master or Mistress, his or her Executors or Administrators, in any Case where a Servant shall quit his or her Service, *Be it enacted by the Authority aforesaid*, That if any Person, being a Servant, shall absent him or herself from the Service of his or her Master or Mistress, without Leave first obtained, the Justices aforesaid shall, at their General Quarter Sessions, upon Application made to them by the Master or Mistress, his or her Executors or Administrators, whether such Application be before or after the Expiration of such Person's Time of Servitude, oblige such Person to make a full Recompence for the Damages and Charges the said Justices shall adjudge to be sustained by such Absence, either by serving five Days for every Day he or she was so absent, or by such other reasonable Satisfaction, as to the said Justices shall seem meet.

Part of a former Law repealed.

III. *AND be it further enacted by the Authority aforesaid*, That so much of the Act of Assembly herein before mentioned, as relates to Servants having a new Grubbing-hoe, an Axe, and a Weeding-hoe, at the Expiration of their Servitude, and so much thereof as is hereby altered, shall be and is hereby repealed, and made null and void.

Passed March 9, 1771.

C A P. IX.

An ACT declaring the Rivers *Delaware* and *Lehigh*, and Parts of *Neshaminy Creek*, as far up as *Barnsley's Ford*, and of the Stream, called *Lechawaxin*, as far up as the Falls thereof, common Highways, and for improving the Navigation in the said Rivers.

Preamble

WHEREAS the improving the Navigation in Rivers is of great Importance to Trade and Commerce : And whereas the Rivers *Delaware* and *Lehigh* may be rendered much more navigable than they now are : And whereas many

many Persons, desirous to promote the public Welfare, have subscribed large Sums of Money for the Purposes aforesaid, and it is represented to the Assembly of this Province, that more considerable Sums would be contributed for the same Purposes, if Commissioners were appointed by Law to receive such Subscriptions, and duly to apply them: BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esquire, Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Rivers *Delaware* and *Lehigh*, and Parts of *Neshaminy Creek*, as far up as *Barnsley's Ford*, and no further; and the Stream called *Lechawaxin*, as far up as the Falls thereof, be and they are hereby declared to be common Highways, for the Purposes of Navigation up and down the same.

Bounds of the Rivers, &c. declared to be common Highways.

II. AND be it further enacted by the Authority aforesaid, That *Joseph Galoway*, *Joseph Fox*, *Michael Hillegas*, *Abel James*, *Samuel Rhoads*, *James Allen*, *Peter Knight*, Esquires; *Daniel Williams*, *Henry Drinker*, *Clement Biddle*, *Jeremiah Warder*, the younger, *Jacob Bright*, *John Baldwin*, *Richard Wells*, Gentlemen; *Thomas Yardley*, *Adam Hoops*, *Jacob Orndt*, *Peter Kechline*, *Henry Kookan*, Esquires; *William Ledley*, *Nicholas Depui*, Son of *Samuel*, *Jacob Stroud*, and *John Arbo*, Gentlemen, be, and they are hereby appointed and constituted Commissioners for improving the Navigation in the said Rivers *Delaware* and *Lehigh*; who, or a Majority of whom, the Survivors, or a Majority of such Survivors, shall have full Power and Authority, by Virtue hereof, to collect, recover and receive, from any Person or Persons whatsoever, all such Sums of Money, which have been or shall be given or subscribed, for rendering the said Rivers more navigable; and so much of the said Monies as may be necessary for that Purpose, to lay out and apply, for and towards improving the Navigation in the said River *Delaware*, from the lower Part of the Falls near *Trenton*, to the Forks thereof at *Easton*; and the Residue thereof to lay out and apply, for and towards improving the Navigation in that Part of the said River, called the *Eastern* or *Main Branch*; and in the said River *Lehigh*, in Proportion respectively to the Sums subscribed by the Inhabitants of *Pennsylvania* and *New-Jersey*, residing near the said Eastern Branch, and by the Inhabitants of this Province, residing near the said River *Lehigh*: Provided always, That such Sums of Money as have been or shall be given or subscribed, for the improving the Navigation in either of the said Rivers, above the Forks aforesaid separately, shall be laid out and applied for and towards that Purpose, and no other.

Commissioners appointed for improving the Navigation, &c.

III. AND be it further enacted by the Authority aforesaid, That the said Commissioners, or a Majority of them, their Survivors, or a Majority of such Survivors, shall have full Power and Authority by themselves, their Agents, Servants and Workmen, to clear, scour, open, enlarge, straiten or deepen the said Rivers, wherever it shall to them appear useful for improving the Channels; and also to remove any Obstructions whatsoever, either natural or artificial, which may or can in any Manner hinder or impede the Navigation in the said Rivers, or either of them, and to make and set up in the said Rivers, or either of them, any Dams, Penns for Water Locks, or any other Works whatsoever, and the same to alter or repair, as they shall think fit; and also to appoint, set out and make, near each or either of the said Rivers, Paths or Ways, which shall be free and open for all Persons having Occasion to use the same, for towing, hawling or drawing any Vessels, Boats, small Craft, and Rafts of any Kind whatsoever, and from Time to Time to do and execute every other Matter or Thing, necessary or convenient for improving the Navigation in the said Rivers, or either of them. Provided always, That no Dam, Penn, Lock or other Work, made or set up by the said Commissioners, shall be appropriated to the private Use or Benefit of any Person or Persons whatsoever.

Commissioners to have full Power to enlarge, straiten or deepen the said Rivers, &c.

IV. AND be it further enacted by the Authority aforesaid, That no Person or Persons whatsoever shall presume to divert, lead or draw, at any Time or Times, by any Race or other Device, any Water of the said Rivers, or either of them, out of or from the natural Course or Channel, for the Use of any Mill or Water Work.

Waters not to be drawn from their natural Channel, &c.

Penalty on
Persons erect-
ing any Dam
to impede the
Navigation ;

or destroying
any Works
set up by the
Commission-
ers, &c.

Manner of
prosecuting
Offenders.

Mill-dams
erected in the
River Dela-
ware, before
the passing
this Act, not
to be thrown
down or im-
paired, &c.

Commission-
ers to keep
Minutes of
their Pro-
ceedings, and
make Report
yearly to the
Assembly.

V. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall presume to oppose or hinder the said Commissioners, or any of them, their Agents, Servants and Workmen, or any of them, from doing any Act which they are hereby authorised and impowered to do ; or shall make, erect, set up, repair or maintain, or shall be aiding, assisting or abetting in making, erecting, setting up, repairing or maintaining any Dam or Obstruction, which may or can in any Manner hinder or impede the Navigation in the said Rivers, or either of them ; or shall remove, destroy, throw down, alter, injure or impair any Dam, Penn, Lock or other Work, made or set up by the said Commissioners, or by Order of them, or a Majority of them, their Survivors, or a Majority of such Survivors, every Person so offending, being legally convicted thereof, by Verdict of a Jury, or by his own Confession before the Justices of the Peace in their Court of General Quarter Sessions, shall forfeit and pay *Fifty Pounds*, lawful Money of this Province, for every such Offence, or shall suffer Imprisonment for Twelve Months, without Bail or Main-prize ; one Moiety of which Forfeiture shall be paid to the Informer, and the other Moiety to the Commissioners herein appointed, or the Survivors of them, as aforesaid, to be applied for and towards improving the Navigation in the said Rivers.

VI. *AND* whereas Doubts may arise, in what Counties Offences committed in the said River *Delaware* against this Act ought to be tried : For removing thereof, *Be it enacted by the Authority aforesaid*, That every Offence committed in the said River against this Act shall be laid to be committed, and may be tried and determined as aforesaid, in any of the Counties within this Province, opposite to or joining on that Part of the said River, in which such Offence shall be committed.

VII. *PROVIDED always, and be it further enacted by the Authority aforesaid*, That nothing herein contained shall give any Power or Authority to the Commissioners herein appointed, or any of them, to remove, throw down, lower, impair, or in any Manner to alter a Mill-dam erected by *Adam Hoops*, Esq; in the said River *Delaware*, between his Plantation and an Island in the said River, nearly opposite to *Trenton* ; or any Mill-dam erected by any other Person or Persons in the said River, before the Passing of this Act ; nor to obstruct, or in any Manner to hinder the said *Adam Hoops*, or such other Person or Persons, his or their Heirs and Assigns, from maintaining, raising or repairing the said Dams respectively, or from taking Water out of the said River, for the Use of the said Mills and Water Works, erected as aforesaid, and none other.

VIII. *AND be it further enacted by the Authority aforesaid*, That the said Commissioners shall keep Minutes of their Proceedings, in Pursuance of the Power hereby given to them, fairly entered in a Book, and shall once in every Year make Report of their Transactions in improving the Navigation in the said Rivers, to the Assembly of this Province for the Time being, and shall lay before them a just and faithful Account of all Sums of Money by them received for the aforesaid Purposes, and in what Manner they shall be expended, that the same may be adjusted and settled.

Passed March 9, 1771.

C A P. X.

An A C T declaring the River *Susquebanna*, and other Streams therein mentioned, public Highways, for improving the Navigation of the said River and Streams, and preserving the Fish in the same.

Preamble.

WHEREAS it is of Importance to the Trade and Commerce of this Province, that such Rivers and other Streams, as are or may be made navigable, be at all Times preserved and kept from all Manner of Obstructions : And whereas the improving the Navigation of the Rivers *Susquebanna*, *Juniata*, and the Streams of *Conescogoe*, *Bald Eagle*, *Machanoy*, *Penn's Creek*, and *Suataro*, *Connedaguiet* and *Kiskiminetas*, will greatly conduce to the Benefit of the Inhabitants residing on and near the said Rivers, and the Province in general, by in-

creasing

creasing the Trade of the said Province: And whereas it has been represented to the Assembly, that many of the Inhabitants residing on or near the said Rivers and Streams, being desirous to promote the public Welfare, are willing to contribute considerable Sums of Money for the Purposes aforesaid, if Commissioners were appointed by Law to take, collect and receive the Contributions, and to apply and appropriate the same, for and towards clearing and making the said Rivers and Streams more navigable; Therefore BE IT ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the said River *Susquehanna*, as far down as *Wright's Ferry*; the River *Juniata*, up to *Bedford* and *Frank's Town*; and the several Streams, known by the Names of *Bald Eagle*, as far up as *Spring Creek*; *Penn's Creek*, twenty Miles up, on the several Courses thereof; *Suatar*, as far up as *Peter Kettle's Mill-dam*; *Conestogoe*, as far up as *Matthias Slough's Mill-dam*; *Conedaguinet*, as far up as the *Cove Fording*, which leads to the *Forty Shilling Gap*; *Machanoy* and *Kiskiminetas*, shall be, and they are hereby declared to be, public Streams and Highways, for the Purposes of Navigation up and down the same; and that all Obstructions and Impediments to the Passage of his Majesty's liege Subjects up and down the same, erected, or hereafter to be erected, shall be deemed, held and adjudged common Nuisances.

Names and
Bounds of the
Rivers, &c.
declared to
be public
Highways,
&c.

II. AND be it further enacted by the Authority aforesaid, That *James Wright*, *George Ross*, *Thomas Minsball*, *John Loudon*, *Alexander Lowrey*, *William M'Clay*, *Samuel Hunter*, the younger, *William Patterson*, *Robert Callender*, *Charles Steward*, *Reuben Haines*, *Thomas Holt*, and *William Richardson*, Gentlemen, be, and they are hereby constituted and appointed Commissioners for clearing and making the said Rivers *Susquehanna*, *Juniata*, *Bald Eagle*, *Penn's Creek*, *Conestogoe*, *Conedaguinet*, *Machanoy*, *Kiskiminetas* and *Suatar*, navigable; and that each and every of the said Commissioners shall have full Power and Authority to take, collect, recover and receive, of and from any Person and Persons whatsoever, any Sum or Sums of Money which shall be hereafter given, granted or subscribed, for and towards making any of the said respective Rivers and Streams navigable, and the Monies so collected, recovered and received, to lay out, appropriate and employ, for and towards making such of the said Rivers and Streams navigable, as shall be mentioned or directed by the Person or Persons giving and granting the same.

Commissioners
appointed
for clearing
and making
the same na-
vigable, &c.

III. AND be it further enacted by the Authority aforesaid, That the said Commissioners, or the major Part of them, or of the Survivors of them, shall have full Power and Authority, and they are hereby enjoined and required, by themselves, their Agents, Servants, Hirelings and Workmen, to remove all Obstructions whatsoever now erected, or hereafter to be erected in, and also to scour, enlarge, straiten or deepen the said respective Rivers and Streams, so as aforesaid committed to their respective Care, in any Part, Place or Places thereof, which shall appear to them most convenient for opening, making anew, or improving the Channels, and also to cut, blow up, remove or take away all Trees, Rocks, or Beds of Gravel, Sand or Mud, Weirs, Dams, Baskets, Pounds, Stones, or any other Impediment or Obstruction whatsoever, and to form, make, erect and set up any Dams, Piers for Water Locks, or any other Works whatsoever, which they shall think fit and convenient to answer the Purpose aforesaid, and to alter, repair or amend the same, as often as it shall be necessary or convenient; and also to appoint, set out and make Tow-paths, or Ways for towing, hawling or drawing of Boats, Vessels, or other small Craft, and Rafts of any Kind whatsoever, in, upon or through the said Rivers and Streams; which said Paths shall be free and open to all Persons whatsoever, having Occasion to use the same; and from Time to Time, and at all Times hereafter, to do, execute and perform all and every other Matter or Thing in the said Rivers and Streams, necessary or convenient for making, maintaining, supporting and continuing the Navigation in the same.

Commissioners
impowered
to remove
Obstructions
and to en-
large, straiten
or deepen the
said Rivers,
&c.

IV. AND

Penalty on
erecting or
repairing
Wears, &c.
within the
said Rivers,
&c.

IV. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons whatsoever, from and after the Publication of this Act, shall erect, build, set up, repair or maintain, or shall be aiding, assisting or abetting in erecting, building, setting up, repairing or maintaining any Wear, Rack, Basket, Dam, Pound, or other Device or Obstruction whatsoever, within the said Rivers or Streams, or any of them; or that shall fix or fasten any Net, or Nets across the same, or any Part thereof, whereby the Fish may be obstructed from going up the said Rivers or Streams; or that shall take, destroy or spoil any Spawn, Fry or Brood of Fish, or any Kind of Fish whatsoever, in any such Wear, Rack, Dam, Basket, Pound or other Device aforesaid, every such Person so offending, being thereof convicted, by the Oath or Affirmation of one or more credible Witnesses, or by his own Confession before any Justice of the Peace of the County where such Offence shall be committed (which Justice is hereby authorised and empowered to hear, try and determine the same) shall forfeit and pay the Sum of *Five Pounds*, lawful Money of this Government, for every such Offence, or suffer Three Months Imprisonment, without Bail or Main-prize; one Moiety of which Forfeiture shall be paid to the Informer or Prosecutor, and the other Moiety to the Commissioners for the respective Rivers or Streams in which such Offence shall be committed, to be applied towards clearing the said respective Rivers and Streams.

Justices of the
Quarter Ses-
sions to issue
their War-
rants to the
Supervisors
of Highways
for removing
Wears, &c.

V. *AND for the more speedy Removal of such Wears, Racks, Baskets, Dams, Pounds, and other Devices and Obstructions aforesaid, as are already, or hereafter shall be made in any Part of the said Rivers and Streams, Be it enacted by the Authority aforesaid*, That the Justices of the County Court of Quarter Sessions of the several Counties, within this Province, bounded on and adjoining to any Part of the said Rivers and Streams, at their next Court of Quarter Sessions, after the Publication of this Act, and as often after as there shall be Occasion, and that any of the said Justices of the Peace out of Sessions shall, and they are hereby enjoined and required to issue their Warrants to the Supervisors of the Highways of each and every Township, next adjacent to the Wear, Rack, Dam, Basket, Pound, or other Device or Obstruction aforesaid, so erected, enjoining and requiring them, the said Supervisors respectively, forthwith to remove, or cause to be removed, every such Wear, Rack, Basket, Dam, Pound, or other Device or Obstruction aforesaid; and for that Purpose to summon the Inhabitants of their respective Townships, giving them three Days Notice to repair to, throw down, remove and destroy such Wear, Rack, Basket, Dam, Pound, or other Device or Obstruction aforesaid, so erected, built or set up, and to make Return of such their Proceedings to the said Justices, at their next Court of Quarter Sessions, by whom such Warrants shall be respectively issued. And if any such Supervisor or Supervisors of the Highways, to whom such Warrant shall be directed, shall refuse or neglect to discharge and perform the Duty thereby enjoined and required of him or them, he or they so offending, and being thereof legally convicted by a Jury of the Country, or by his or their own Confession before the said Justices, in their said Court of Quarter Sessions, shall, for every such Offence, forfeit and pay to the Commissioners respectively of the Rivers or Streams, in which any such Device or Obstruction shall be erected, the Sum of *Ten Pounds*, to be applied towards clearing said Rivers and Streams respectively. And if any Inhabitant, so summoned, shall refuse or neglect to attend in Person, or to send another able Person in his Room, to assist in throwing down, removing and destroying such Wear, Rack, Dam, Basket, Pound, or other Device or Obstruction aforesaid, so erected, built or set up, in such Manner as the said Supervisor or Supervisors shall order and direct, he shall forfeit and pay the Sum of *Ten Shillings* for every such Offence, to the said Commissioners respectively, to be applied towards clearing the said Rivers and Streams respectively, to be recovered and levied as Debts under *Forty Shillings* are by Law directed to be recovered and levied.

Penalty on
Supervisors
Neglect or
Refusal, &c.

VI. *AND to prevent any Delay that may happen through the Default of any of the said Justices, Supervisors of the Highways, or Persons so summoned, Be it enacted by the Authority aforesaid*, That it shall and may be lawful to and for any Person or Persons whatsoever to break, throw down, remove and destroy all or any such Wear or Wears, Dams, Racks, Baskets, Pounds, or other Device

or

or Obstruction whatsoever, built, erected or set up, or to be built, erected or set up within the aforesaid Rivers and Streams, except such Devices as shall be erected, built and set up by the Commissioners aforesaid; and that every Person or Persons who shall assault, hinder or obstruct any Person in pulling down, breaking, removing or destroying any of the aforesaid Devices or Obstructions, in any Part of the Rivers or Streams aforesaid, or any of them, and being thereof legally convicted before any one of the said Justices of the said Courts, shall forfeit and pay, for every such Offence, to the said respective Commissioners, *Five Pounds*, lawful Money as aforesaid, one Moiety thereof for and towards clearing the respective Rivers and Streams as aforesaid, and the other Moiety to the Person or Persons assaulted or obstructed in removing or destroying any of the aforesaid Devices or Obstructions, to be recovered by a Warrant from any of the said Justices, as Debts of *Five Pounds*, or under, are recoverable by the Laws of this Province.

Penalty on Persons obstructing the removing of Weirs, &c.

VII. AND for the more effectual detecting and punishing Offenders against this Act, *Be it enacted by the Authority aforesaid*, That the Constable of each respective Township, which shall be bounded by or adjoin to any Part of the said Rivers and Streams, shall, and he is hereby enjoined and required, under the Penalty of *Five Pounds*, to be recovered and applied in Manner last aforesaid, at some Time within two Weeks before each County Court, carefully and diligently to inspect and view such Parts of the said Rivers and Streams, as shall be adjoining to his respective Township; and having any Knowledge of any Offences against this Act, he shall forthwith give Information to some Justice of the Peace, who shall immediately issue his Warrant to the Supervisors of the Highways aforesaid, for the Purposes aforesaid; and the said Constable shall also present, on Oath or Affirmation, every such Offence to the Justices of the Court of Quarter Sessions of their respective Counties, together with the Name and Names of such Offender or Offenders, that he or they may be tried, according to the Directions of this Act; which Oath or Affirmation the said Justices are hereby required duly and carefully to administer.

Constable to inspect, and give Information of Offences against this Act, &c.

VIII. AND whereas some Doubts may arise, in which of the said Counties the Offences committed within the said Rivers against this Act ought to be tried; For removing whereof, *Be it enacted by the Authority aforesaid*, That all and every such Offence and Offences, which shall be committed within the said Rivers or Streams, or either of them, shall be laid to be committed in any or either the said Counties joining on that Part of the said Rivers, where such Offence shall be committed.

Manner of prosecuting Offenders.

IX. *PROVIDED always nevertheless*, That nothing herein contained shall be held, deemed, taken or construed to prevent, prohibit or obstruct the said Commissioners from making, erecting or setting up any Dams, Panns for Water Locks, or other Works or Devices in the said Rivers or Streams, which they shall think necessary to aid, assist or improve the Navigation of the same, or by any Means whatsoever to lessen, diminish or destroy the Powers and Authorities herein before given and invested in them, or to compel or oblige, authorise or empower any Justice or Justices, either in or out of their Sessions as aforesaid, or any Supervisor or Supervisors of the Highways, or any other Person whatsoever, to pull down, destroy or amove such Dams and other Devices as the said Commissioners shall erect or set up in Pursuance of this Act; but all and every such Dams and other Devices aforesaid, the said Supervisors, and all other Persons whatsoever, are hereby enjoined and required to suffer the same to remain unmoved, any Thing herein before to the contrary in any wise notwithstanding.

Dams, &c. erected by the Commissioners, for improving the Navigation, not to be moved, &c.

X. *PROVIDED always*, That no Dam, Water Lock or other Device, so made, constructed or erected by the said Commissioners, shall at any Time or Times be appropriated to the private Use or Benefit of any Person or Persons whatsoever.

XI. *AND be it further enacted by the Authority aforesaid*, That no Person or Persons whatsoever shall presume to divert, lead or draw out, at any Time or Times, by any Race or other Device whatsoever, any Water, or any Part of the said Rivers or Streams, or any of them, from their natural Course or Channel, for any Use or Purpose whatsoever.

Waters not to be drawn from their natural Channel, &c.

XII. *PROVIDED* also, That nothing in this Act contained, shall be deemed or construed to enable the said Commissioners to clear the said River *Susquehanna* of and from the natural Obstructions in the same to the Southward of *Wright's Ferry*.

Commissioners to make Report yearly to the Assembly.

XIII. *AND* be it enacted by the Authority aforesaid, That the said Commissioners shall once in every Year make Report of their Transactions, in clearing, scouring and rendering navigable the said Rivers and Streams, to the Assembly of this Province for the Time being, and shall lay before them a faithful and just Account of all and every Sum and Sums of Money by them had and received, for the clearing the said Rivers and Streams, and in what Manner the same shall be expended and laid out, that the same may be adjusted, settled and allowed.

Part of a former Law repealed.

XIV. *AND* be it enacted, That so much of the Act of Assembly, passed in the First Year of His present Majesty's Reign, intituled, *An Act for the Preservation of the Fish in the Rivers Delaware, Susquehanna and Lehigh, commonly called, The Western Branch of Delaware*, as relates to the Obstructions in the River *Susquehanna*, above *Wright's Ferry*, shall be, and is hereby repealed and made void.

Passed March 9, 1771.

C A P . X I .

An A C T for vacating a Part of a Road in the Township of *Passunk*, and for confirming a new Road, laid out and made instead thereof.

Preamble.

WHEREAS in Pursuance of an Order of the County Court of Quarter Sessions for the County of *Philadelphia*, a public Road was laid out in the Township of *Passunk*, from the End of *Joseph Sims's* Lane to the River *Schuylkill*: And whereas a Part of the said Road, running on the Side of *Sepicken Creek*, down the several Courses thereof, from the Place of Beginning of the Road herein after mentioned to the River *Schuylkill*, and also a private Road leading from the same, over the Dam across said Creek, are found not only injurious to the Estate of *Henry Elwes*, through whose Ground the same are laid out, but inconvenient to the Public: And whereas the said *Henry Elwes*, desirous to accommodate the Public, hath, by his Deed, duly executed by his lawful Agents and Attornies, conveyed to certain Persons, in Trust, and for the Use of the Public, a certain Road and Piece of Ground, containing in Breadth Fifty-two Feet, and extending from the fast Land near the Side of *Sepicken Creek*, running thence South Seventy Degrees West, Fifty-five Perches, or thereabout, to a small Creek; thence South Thirty-three Degrees West, to the low Water Mark of the River *Schuylkill*, opposite to the Wharff lately erected on the Province Island; and therefore it is but reasonable and just that the Part of the said Road, so laid out by Order of the Quarter Sessions, should be vacated and restored to the said *Henry Elwes*, and that the said Road, so as aforesaid granted for the Public Use, should be confirmed to them; BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esquire, Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Consent and Advice of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That so much of the said Road, so as aforesaid laid out by Order of the said Court, as extends on the said several Courses and Distances along the Side of *Sepicken Creek*, and the private Road aforesaid, shall be, and the same is hereby declared to be made null and void; and that instead thereof the said Road, so as aforesaid granted by the said *Henry Elwes*, on the several Courses and Distances herein before described, shall be for ever hereafter a Public Road, of the Width of Fifty-two Feet, and maintained and supported as Public Roads are by Law directed to be maintained and supported.

Part of the Road, laid out by Order of Court, vacated.

New Road confirmed.

II. *AND* whereas, in Pursuance of the said Order of the Quarter Sessions, a private Road was also laid out for the Convenience of divers of the Inhabitants in

in the said Township of *Passyunk*, between the Lands of *Daniel Roberdeau* and the said *Henry Elwes*, into the said Road so as aforesaid vacated, and it is necessary that the said private Road should be continued, until it shall intersect the said Road hereby confirmed, *Be it therefore enacted by the Authority aforesaid*, That the said private Road shall be continued on the same Course on which it was originally laid out, until it shall intersect the said Road hereby confirmed.

Passed March 9, 1771.

C A P. XII.

An ACT for erecting a Part of the County of *Cumberland* into a separate County.

WHEREAS a great Number of the Inhabitants of the Western Parts of the County of *Cumberland*, have represented to the Assembly of this Province the great Hardships they lie under, from being so remote from the present Seat of Judicature, and the Public Offices: For remedying whereof, BE IT ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all and singular the Lands lying and being within the Boundaries following, that is to say, beginning where the Province Line crosses the *Tuscarora Mountain*, and running along the Summit of that Mountain to the Gap near the Head of the *Path Valley*; thence with a North Line to the *Juniata*; thence with the *Juniata* to the Mouth of *Shaver's Creek*; thence North-east to the Line of *Berks County*; then along the *Berks County* Line Northwestward to the Western Bounds of the Province; thence Southward, according to the several Courses of the Western Boundary of the Province, to the Southwest Corner of the Province; and from thence Eastward with the Southern Line of the Province to the Place of Beginning, shall be, and the same is hereby erected into the County, henceforth to be called *B E D-*

Boundaries of the County.

Its Name.

F O R D. II. AND be it further enacted by the Authority aforesaid, That the Inhabitants of the said County of *Bedford* shall, at all Times hereafter, have and enjoy all and singular the Jurisdictions, Powers, Rights, Liberties and Privileges whatsoever, which the Inhabitants of any other County, within the said Province, do, may or ought to enjoy, by any Charter of Privileges, or the Laws of this Province, or by any other Ways or Means whatsoever, excepting only in the Number of Representatives to serve in General Assembly of this Province; in which Case it is provided, and further enacted by the Authority aforesaid, That the Freeholders and Inhabitants of each Township, within the said County, qualified by the Laws of this Province to elect, shall meet at some convenient Place within their respective Townships, at the same Time the Freeholders and Inhabitants of the several Townships of the other Counties shall meet for like Purpose, and proceed to choose Inspectors; and that the Freemen and Inhabitants of the said County, qualified as aforesaid, shall meet at or near the Place where the Court-house is intended to be built, at the same Time the Inhabitants of the other Counties shall meet for the like Purpose, and proceed to elect one Representative or Delegate, to serve them in Assembly, in the same Manner, and under the same Rules, Regulations and Penalties, as by the Charter and Laws of this Province are directed in respect to other Counties; which said Representative, when so chosen, shall be a Member of the General Assembly of the Province of *Pennsylvania*, and shall sit and act as such, as fully and freely as any of the Representatives for the other Counties, within this Province, do, may, can or ought to do.

Privileges granted to it.

Freeholders to meet and choose Inspectors.

One Representative to be elected.

III. AND be it further enacted by the Authority aforesaid, That all Taxes already laid within the Bounds of the said County of *Bedford*, by Virtue of any Act of General Assembly of this Province, which are not already paid, shall be collected by the respective Collectors within the Bounds aforesaid, and paid into the

Taxes already laid in the County of *Bedford*, to be paid the

Treasurer of Cumberland. the Hands of the Treasurer of *Cumberland County*; and that all Persons concerned in the levying, receiving and paying the said Taxes, shall have the same Power and Authority, and be under the same Penalties and Restrictions for collecting and paying the same, as by the said Acts, by which the said Taxes were assessed, are expressed and directed, until the whole be collected and paid as aforesaid.

Justices of the supreme Court to have like Powers, &c. IV. *AND be it further enacted by the Authority aforesaid*, That the Justices of the Supreme Court of this Province shall have like Powers, Jurisdictions and Authorities, within the said County of *Bedford*, as by Law they are vested with, and intitled to, in the other Counties within the Province aforesaid; and are hereby authorised and impowered, from Time to Time, to deliver the Goals of the said County of capital or other Offenders, in like Manner as they are authorised to do in other the Counties aforesaid.

Courts of Quarter Sessions, &c. to be held. V. *AND be it further enacted by the Authority aforesaid*, That there shall be a competent Number of Justices nominated and authorised by the Governor for the Time being, by Commissions under the Broad Seal of the Province; which said Justices, or any three of them, shall and may hold Courts of General Quarter Sessions of the Peace and Goal Delivery, and County Courts for holding of Pleas; and shall have all and singular the Powers, Rights, Jurisdictions and Authorities, to all Intents and Purposes, as other the Justices of Courts of General Quarter Sessions, and Justices of the County Courts for holding of Pleas, in the other Counties aforesaid, may, can or ought to have in their respective Counties; which said Courts shall, from and after the Publication of this Act, sit and be held for the said County of *Bedford*, on the *Tuesday* next preceding *Cumberland County Courts*, in every of the Months of *January, April, July* and *October*, in every Year, at the Town of *Bedford*, until a Court-house shall be built; and when the same is built and erected in the County aforesaid, the said several Courts shall then be holden and kept at the said Court-house, on the Days before mentioned. And the Election of a Representative to serve in General Assembly, Assessors, and all other Officers of the said County, who are or shall be appointed to be annually elected, shall be made and elected at or near the said Court-house, at the same Time, and in the same Manner, as by the Charter of Privileges, and the Laws of the Province aforesaid, are directed to be done in the other Counties within this Province. And it shall be lawful for the Freemen of the said County, for the first Year, to choose three Commissioners for raising County Rates and Levies for the said County.

Time of holding Courts. Time and Place of Elections. Trustees for building a Court-house and Prison. VI. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for *Arthur St. Clair, Bernard Daugherty*, Esquires, *Thomas Coulter, William Procter*, and *George Woods*, Gentlemen, or any three of them, to purchase and take Assurance to them and their Heirs of a Piece of Land, situate in some convenient Place in the said Town, in Trust and for the Use of the Inhabitants of the said County, and thereon to erect and build a Court-house and Prison, sufficient to accommodate the public Service of the said County, and for the Ease and Conveniency of the Inhabitants.

Money to be raised for these Purposes. VII. *AND be it further enacted by the Authority aforesaid*, That for the defraying the Charges of purchasing the Land, building and erecting the Court-house and Prison aforesaid, it shall and may be lawful to and for the Commissioners and Assessors of the said County, or a Majority of them, to assess and levy, and they are hereby required to assess and levy, in the Manner directed by the Act for raising County Rates and Levies, so much Money as the said Trustees, or any three of them, shall judge necessary for purchasing the Land, and finishing the said Court-house and Prison. *Provided always*, The Sum of Money so to be raised does not exceed *One Thousand Pounds*, current Money of this Province.

Suits now depending, not to be stayed, &c. VIII. *PROVIDED also, and be it further enacted by the Authority aforesaid*, That no Action or Suit, now commenced or depending in the County of *Cumberland*, against any Person living within the Bounds of the said County of *Bedford*, or elsewhere, shall be stayed or discontinued by this Act, or by any Thing herein contained, but that the same Actions, already commenced or depending, may be prosecuted, and Judgment thereupon rendered, as if this Act had not been made. And that it shall and may be lawful for the Justices of *Cumberland County* to issue

issue any judicial Process, to be directed to the Sheriff of *Cumberland* County, for carrying on and obtaining the Effects of their Suits; which Sheriff shall be, and is hereby obliged to yield Obedience in executing the said Writs, and make due Return thereof before the Justices of the said Court of the said County of *Cumberland*, as if the Parties lived and resided within the same.

IX. *AND be it further enacted by the Authority aforesaid*, That *Thomas Urie*, Collector of the said County of *Cumberland*, be, and is hereby appointed Collector of the Excise of the said County of *Bedford*, who is hereby authorised and impowered, by himself, or his sufficient Deputy, duly constituted, and for whom he shall be accountable, to demand, collect, receive and recover the Excise, appointed to be paid by any Act or Acts of Assembly of this Province, and also the Arrearages thereof, of and from all and every Person and Persons within the said County, retailing or vending any of the Liquors by the said Acts liable to pay the same; and also to recover and receive all and every the Duties, Fines and Forfeitures, laid or imposed, or that shall happen to arise or become due, for any Thing done contrary to the Intent of the said Acts. Collector of Excise appointed.

X. *AND be it further enacted by the Authority aforesaid*, That the said Collector of Excise for the County of *Bedford* aforesaid, the better to enable himself to recover the Arrearages of Excise now due, or which shall become due before the Publication of this Act, shall apply to the Collector of Excise for the County of *Cumberland* for a List, which the said Collector of the County of *Cumberland* is hereby enjoined and required to deliver, containing the Names of each and every Person in Arrear for Excise within the said County of *Bedford*, and how much from each of them. Collector of Cumberland to give a List.

XI. *AND be it further enacted by the Authority aforesaid*, That the Collector of the County of *Bedford* aforesaid, before he enters upon the Execution of his said Office, is hereby required to give Bond, with two sufficient Sureties, to the Treasurer of this Province for the Time being, in the Sum of *Two Hundred Pounds*, lawful Money of the Province aforesaid, for the faithful Discharge of his Duty, and paying all such Sums of Money as he shall from Time to Time receive by Virtue of this Act. And further, the Collector of the said County of *Bedford* shall in all Things govern himself, and be subject to the same Regulations, Restrictions, Fines and Forfeitures, and shall observe like Rules, Orders and Directions, as the Collectors of other the Counties aforesaid, by the Laws of this Province, are liable to. And the said Collector, for the Discharge of the Duty of the said Office, within the said County of *Bedford*, shall have and receive like Fees, Perquisites and Rewards, for his Services enjoined by this Act, as other the Collectors aforesaid (the Collectors of *Philadelphia* County aforesaid excepted) by the Acts aforesaid, are entitled unto, for the Services enjoined them by the Acts aforesaid. Collector to give Bond. His Duty, and Fees.

XII. *AND be it further enacted by the Authority aforesaid*, That until a Sheriff and Coroner shall be chosen in the County of *Bedford*, in Pursuance of this Act, it shall and may be lawful for the Sheriff and Coroner of *Cumberland* to officiate and act in the Discharge of their respective Duties, as fully and amply as they might and ought to have done, if this Act had not been made; one of whom, or his Deputy, shall attend and discharge the Duty of his Office, according to the Laws of this Province, at the next Election for *Cumberland* County aforesaid, and the other of them, or his Deputy, shall attend and discharge the Duty of his Office, in like Manner, at the first Election next to be held in the County of *Bedford* aforesaid, in Pursuance of the Directions of this Act. Sheriff or Coroner of Cumberland to attend the first Election.

XIII. *AND be it further enacted by the Authority aforesaid*, That before any Sheriff, hereafter to be appointed or commissioned for the said County of *Bedford*, shall enter upon the Duties of his Office, he shall become bound in an Obligation, with two or more sufficient Securities, to be approved of by the Governor of this Province for the Time being, in the Sum of *One Thousand Pounds*, and with like Condition as the Sheriffs of the other Counties within this Province are enjoined and required to become bound; which said Obligation shall be taken in the King's Name, and entered upon Record in the Office for recording of Deeds in the said County of *Bedford*, and shall be only in Trust to and for the Use and Benefit of the Person or Persons, who shall be injured by Sheriff, &c. to give Security.

any Breach, Neglect, or Omission of Duty in such Sheriff, and shall be proceeded on in the same Manner as is directed in respect to Sheriffs Bonds, in and by the Act of General Assembly, intituled, *An Act for the regulating Elections for Sheriffs and Coroners*; and that the Treasurer hereafter to be appointed for said County, for receiving the Provincial Taxes, before he shall enter on the Duties of his Office, shall give Security, in like Manner as other County Treasurers for that Purpose are by Law directed to give Security, in the Sum of *Fifteen Hundred Pounds*: And that the Treasurer for said County, for receiving the County Levies, shall in like Manner give Security, in the Sum of *Six Hundred Pounds*.

XIV. AND, to the End the Boundaries of the said County of *Bedford* may be the better ascertained and known, *Be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for *Robert Mc'Crea, William Miller, and Robert Moore*, or a Majority of them, and they are hereby required and firmly enjoined, within the Space of Six Months next after the Publication of this Act, to assemble themselves together, and run, mark out and distinguish the Boundary Lines between the said Counties of *Cumberland* and *Bedford*; and the Charges to arise for the doing thereof shall be defrayed by the said County of *Bedford*, and to that End levied and raised by the Inhabitants thereof, in such Manner as other public Money, for the Use of the said County, by Law ought to be raised and levied.

Passed March 9, 1771.

C A P. XIII.

An ACT for the better securing and punishing certain Offenders therein mentioned.

Preamble.

WHEREAS divers wicked and evil-minded Persons, in Defiance of the Laws of this Province, have confederated together, and rescued a certain *Lazarus Stewart* from the Custody of the Constable, who had legally arrested him for a capital Offence: And whereas the said *Lazarus Stewart*, with divers other wicked and evil-disposed Persons, in further Contempt of the Authority of this Government, did undertake and conspire together to defend and protect the said *Lazarus Stewart*, and divers other Offenders, by Force and Arms, from the Arrest of the Officers of Justice, duly authorised to apprehend the said *Stewart*, and others, for the Offences aforesaid: And whereas, in Pursuance of such wicked and daring Design, the said *Lazarus Stewart*, with divers other Persons herein after mentioned, his Confederates, on the Twenty-first Day of *January*, in the present Year, at *Wyoming*, in the County of *Northampton*, in opposing the Sheriff for said County, and his Posse, duly summoned to aid and assist him in the Execution of Process legally issued, for apprehending the said *Stewart*, and others, did kill and treacherously murder a certain *Nathan Ogden*, and dangerously wound divers other Persons, all of the said Posse, then and there aiding and assisting the said Sheriff in the Execution of his Office: And whereas it is necessary, for the better securing and punishing the said Offenders, that the Trial of the Facts be held and had in the County of *Philadelphia*; THEREFORE BE IT ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle, Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all and every the capital Offence and Offences, which hath or have been committed by the said *Lazarus Stewart*, and by *James Stewart, William Stewart, John Simpson, William Speedy, William Young, John McDaniel* (alias *Donnell*) and *Richard Cook*, his Accomplices, Aiders and Abettors in the said Murder, or by any or either of them, shall be enquired of, heard, tried and determined in the County of *Philadelphia*, in the same Manner and Form, as if the Facts had been committed in the same County, any Law, Usage or Custom, to the contrary in any wise notwithstanding.

Passed March 9, 1771.

C A P.

Boundary Lines to be run within six Months after Publication of this Act.

Capital Offences committed by *Lazarus Stewart*, and others, to be tried and determined in the County of *Philadelphia*.

C A P. XIV.

An A C T for appointing Commissioners for opening and maintaining Parts of two Roads therein mentioned.

WHEREAS by Virtue of an Order from the Governor and Council, a Provincial Road has been laid out from the Town of *Reading*, in the County of *Berks*, through *Tulpehocken*, to the *Susquebanna*, on the South Side of *Machanoy* Mountain, near *Fort Augusta*: And whereas, by Virtue of one other Order from the Governor and Council, another Road has also been laid out, from a Road near *Ellis Hughes's* Saw-mill and *Schuylkill*, to *Fort Augusta*, on the *Susquebanna*: And whereas Parts of both the said Roads pass through a large Tract of unimproved Country, where no Townships are laid out, so that there is no Law by which such Parts of the said Roads can be opened: And whereas the said Roads will, when opened, be of great public Utility and Benefit, BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That *John Philip de Haas*, *Frederick Weiser*, *Benjamin Spyker*, *Michael Tyce*, and *Nicholas Swengle*, Gentlemen, be, and are hereby constituted and appointed Commissioners for opening, clearing and maintaining the said Road, laid out from the Town of *Reading*, through *Tulpehocken*, to *Susquebanna*, so far as the same is not already opened; who, or a Majority of them, shall have full Power and Authority, by Virtue of this Act, to take, collect, recover and receive, of and from any Person or Persons whatsoever, any Sum or Sums of Money which are or shall be hereafter given or subscribed, for and towards opening the said Road. And that *Thomas Wright*, *Joseph Penrose*, *Ellis Hughes*, *Samuel Hunter*, the younger, and *Isaac Willets*, Gentlemen, be, and they are hereby constituted and appointed Commissioners for opening, clearing and maintaining the said Road, laid out from a Road near *Ellis Hughes's* Saw-mill and *Schuylkill*, to *Fort Augusta*, so far as the same is not already opened; who, or a Majority of them, shall have full Power and Authority, by Virtue of this Act, to take, collect, recover and receive, of and from any Person or Persons whatsoever, any Sum or Sums of Money which are or shall be given or subscribed, for and towards opening, clearing and maintaining the said last mentioned Road; which said Sums of Money, when so received by the said respective Commissioners, shall be appropriated and applied for and towards opening, clearing and maintaining the said Roads respectively so far as aforesaid, according to the true Intent and Meaning of the said Donations and Subscriptions.

Names of the Commissioners for opening, &c. the Road from *Reading* to *Susquebanna*.

Names of the Commissioners for opening, &c. the Road to *Fort Augusta*, &c.

II. *AND* be it further enacted by the Authority aforesaid, That the said Commissioners shall make Report of their Transactions, in opening the aforesaid Roads, to the Assembly of this Province for the Time being, and shall lay before them a faithful Account of all and every Sum and Sums of Money by them had and received, for opening the said Roads, and in what Manner the same shall be expended and laid out, that the same may be adjusted and settled.

Commissioners to make Report of their Transactions to the Assembly.

Passed March 9, 1771.

C A P. XV.

An A C T appointing Wardens for the Port of *Philadelphia*, and for the better regulating Pilots plying in the River and Bay of *Delaware*, and the Price of Pilotage to and from the said Port.

Passed March 9, 1771.—Repealed by 13 GEORGE III.

C A P. XVI.

An A C T for the Relief of *George Hawkins*, *Conrad Kehmle*, and *Jonathan Hobby*, languishing Prisoners in the Goal of *Philadelphia*, with respect to the Imprisonment of their Persons.

Passed March 9, 1771.

C A P.

C A P. XVII.

An A C T for building a Bridge over *Skippack* Creek, in the County of *Philadelphia*.

Passed *March 9, 1771.*

C A P. XVIII.

An A C T for the Relief of the Poor.

Preamble.

WHEREAS the Laws hitherto made for the Relief of the Poor have not answered all the good Purposes that were expected from them, BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Mayor or Recorder of the City of *Philadelphia*, with the Aldermen of the said City, or any two of them, and the Justices of the Peace of the respective Counties of this Province, or any three of them, shall, on the Twenty-fifth Day of *March*, yearly and every Year, unless the same shall happen on a *Sunday*, and in such Case on the Day following, meet at some convenient Place within the said City, and in the several Counties respectively, and there nominate and appoint twelve substantial Inhabitants of the said City, four of the *Northern Liberties*, four of the District of *Southwark*, and two of every Borough and other Township within their respective Jurisdictions, to be Overseers of the Poor of the said City, District, Boroughs and Townships; for which Purpose the Overseers going out of Office shall, on the Day aforesaid, return to the said Magistrates and Justices the Names of twelve substantial Inhabitants, or more, for the City, four or more for the said District, four or more for the said Liberties, and two or more for each Borough and other Township, out of which Number, Successors in the said Office shall be appointed by the said Magistrates and Justices for the ensuing Year. And if any Overseer shall refuse or neglect to make such Return as aforesaid, he shall forfeit and pay any Sum not exceeding *Ten Pounds*. *Provided always*, That the Overseer or Overseers making such Return shall give Notice thereof, in Writing, at least six Days before the Twenty-fifth Day of *March*, to the Person or Persons, whose Name or Names are so to be returned, or leave the same at his or their Dwelling-house or Place of Abode. And if any Overseer shall die, fail to make a proper Return, remove, or become insolvent, before the Expiration of his Office, two of the said Aldermen or Justices respectively, on due Proof being thereof made before them, may appoint another in his Stead.

Mayor or Recorder, &c. of *Philadelphia*, and Justices of the respective Counties, to meet yearly on the 25th of *March*, and appoint Overseers, &c.

Overseers, going out of Office, to return the Names, &c.

Penalty on Refusal or Neglect.

Six Days Notice to be given the Persons to be returned, &c.

Overseers to take an Oath or Affirmation.

II. *AND be it further enacted by the Authority aforesaid*, That every Overseer so nominated and appointed shall, before he enters upon the Execution of his Office, take an Oath or Affirmation respectively, according to Law, which any Alderman in the said City, or any Justice in the County respectively, is hereby authorised and impowered to administer; *That he will discharge the Office of Overseer of the Poor truly, faithfully and impartially, to the best of his Knowledge and Ability.*

Justices, &c. upon Complaint made by the Managers of the House of Employment, that Money is wanting, to issue their Warrant to the Overseers, for laying a Rate or Assessment, &c.

III. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful for any two Justices of the Peace for the County, and the Mayor or Recorder and any two Aldermen of the City of *Philadelphia*, upon Complaint made to them by the Managers, elected by the Contributors to the Relief and Employment of the Poor in the City of *Philadelphia*, or by a Majority of them, that a Sum of Money is wanting, or likely so to be, to support and employ the Poor in the House of Employment in the said City, to issue their Warrant, under their Hands and Seals, directed to the Overseers of the Poor of the said City, District of *Southwark*, and Townships of *Moyamensing*, *Passyunk*, and the *Northern Liberties*, requiring them forthwith to levy, collect and raise, such and the same Rate, by a joint Assessment on all Estates real and personal, and Taxables, in the Manner, and under the same Penalties, within the said City, District and Townships,

Townships, herein after directed for levying, collecting and raising such Rates in the several Boroughs and other Townships in this Province, as to the said Justices, and Mayor or Recorder and Aldermen, shall appear necessary for the Purposes aforesaid. And if any of the said Overseers shall neglect or refuse to levy, collect and raise the said Rate, so ordered by the said Justices, Mayor or Recorder and Aldermen, and to pay the same, after the Charges arising from the Reception and Removal of their respective Poor, and of collecting the said Rate, are deducted, to the Treasurer of the Corporation of Contributors to the Relief and Employment of the Poor in the City of *Philadelphia*, within two Months after the Receipt of such Order or Warrant, every such Overseer, being thereof legally convicted, shall forfeit to the said Corporation the Sum of *Fifty Pounds*.

Penalty on
their Neglect
or Refusal.

IV. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for the Overseers of the Poor of the several Boroughs and Townships within this Province (the Townships of *Moyamensing*, *Passyunk* and the *Northern Liberties* aforesaid, only excepted) having first obtained the Approbation of any two Justices of the Peace in the same County, to make and lay a Rate or Assessment, not exceeding *Three-pence* in the *Pound* at one Time, upon the clear yearly Value of all the real and personal Estates within the said Boroughs and Townships respectively, and *Six Shillings per Head* on every Freeman, not otherwise rated for his Estate, in every *Three-penny Tax*, and so in Proportion for any lesser Rate or Assessment; which said Assessments may be repeated, by the Authority aforesaid, as often in one Year as shall be found necessary for the Support of the Poor, to be employed in providing proper Houses and Places, and a convenient Stock of Hemp, Flax, Thread, and other Ware and Stuff, for setting to Work such poor Persons as apply for Relief, and are capable of working, and also for relieving such poor, old, blind, impotent and lame Persons, or other Persons not able to work, within said Boroughs and Townships respectively, who shall therewith be maintained and provided for.

Overseers of
the Poor of
the several
Boroughs
and Town-
ships, with
the Approba-
tion of two
Justices, to
lay a Rate or
Assessment,
&c.

The same
may be re-
peated as of-
ten as neces-
sary in one
Year, &c.

V. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for the Overseers of the Poor of the said Boroughs and Townships, to contract with any Person or Persons for a House or Lodging, for keeping, maintaining and employing, any or all such Poor in said Boroughs and Townships respectively, as shall be adjudged proper Objects of Relief, and there to keep, maintain and employ all such poor Persons, and take the Benefit of their Work, Labour and Service, for and towards their Maintenance and Support; and if any poor Person shall refuse to be lodged, kept, maintained and employed in such House or Houses, he or she shall be put out of the Book, and shall not be entitled to receive Relief from the Overseers during such Refusal.

Overseers of
Boroughs,
&c. to con-
tract for a
House or
Lodging, for
maintaining
and employ-
ing the Poor,
&c.

VI. *AND be it further enacted by the Authority aforesaid*, That the Overseers of the said Boroughs and Townships, in laying the said Rates, shall be guided by the County Assessment on other Occasions, having due Regard to every Man's Estate within the Borough or Township so to be rated and assessed; and shall enter such Rates fairly in a Book, of which a fair Duplicate, signed by them, shall be delivered to the Justices, who shall allow the same, if they find it just and reasonable, without Fee or Reward, and shall permit any Inhabitant to inspect the Rates, at all seasonable Times, without any Fee or Reward, and shall give Copies, on Demand, being paid at the Rate of *Six-pence* for every twenty-four Names; and if any Overseers shall not permit any Inhabitant to inspect, or shall refuse to give Copies as aforesaid, he shall forfeit *Twenty Shillings* to the Party grieved, to be recovered as Debts under *Forty Shillings* are directed by Law to be recovered.

Overseers to
be guided by
the County
Assessment,
in laying
their Rates,
&c.

VII. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons, so rated or assessed in the said City or District, or any Borough or Township, shall refuse to pay the Sum or Sums on them charged, it shall and may be lawful to and for the said Overseer or Overseers (having first obtained a Warrant, under the Hand and Seal of any Magistrate of the said City, or any Justice of the Peace of the County respectively, where the said Assessment is made, who is hereby empowered to grant such Warrant) to levy the same on the Goods and Chattels of the Person or Persons so refusing; and in case such Person shall not, within three Days next after such Distress made, pay the Sum

Persons refus-
ing to pay
the Sums ra-
ted, the same
to be levied
on their
Goods and
Chattels, &c.

Where there are no Goods and Chattels, the Offenders to be committed to Prison.

Persons aggrieved, Justices at the Quarter Sessions to determine thereon, &c.

Managers of the House of Employment, &c. to put out poor Children as Apprentices, &c.

No Person to be entered in the Poor Books, without an Order from two Magistrates, &c.

Overseers of the City of Philadelphia, &c. to render a just Account, in Writing, to the Magistrates, &c.

Penalty on Overseers refusing to yield their Accounts, and pay all Monies remaining in their Hands, &c.

or Sums on him assessed, together with the Charge of such Distress, that the said Overseer or Overseers may proceed to the Sale of the Goods distrained, rendering to the Owner the Overplus, if any, that shall remain on such Sale, reasonable Charges being first deducted. And in case such Person or Persons have no Goods and Chattels, whereby they may be distrained, it shall be lawful for the said Justices, Magistrate or Justice respectively, to commit the Offenders to Prison, there to remain, without Bail or Main-prize, until they have paid the same. *Provided always*, That if any Person or Persons shall find him, her or themselves aggrieved with such Rate or Assessment, it shall be lawful for the Magistrates or Justices of the Peace, at their next General Quarter Sessions for the City or County respectively, upon Petition of the Party, to take such Order therein, as to them shall be thought convenient, and the same to conclude and bind all Parties; and the Overseers shall forbear to proceed in such Sale, till the same be determined in the Quarter Sessions.

VIII. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful for the Managers of the House of Employment in the City of Philadelphia, or a Majority of them, and the Overseers of the Poor of the Boroughs and Townships aforesaid, by the Approbation and Consent of two or more Magistrates of the said City, or two Justices of the Peace of the County, to put out as Apprentices all such poor Children, whose Parents are dead, or shall be, by the said Magistrates, or Justices and Managers, found unable to maintain them; Males to the Age of Twenty-one, and Females to the Age of Eighteen Years.

IX. *AND be it further enacted by the Authority aforesaid*, That no Person or Persons shall be admitted or entered in the Poor Book of the said House of Employment, or of any of the said Boroughs or Townships, or receive Relief, before such Person or Persons shall have procured an Order from two Magistrates, or Justices of the Peace, for the same: And in case the said Managers or Overseers shall enter in their Books, or relieve any such poor Person or Persons, without such Order, they shall forfeit all such Money or Goods so paid or distributed, unless such Entry and Relief shall be approved of by two Magistrates or Justices as aforesaid.

X. *AND be it further enacted by the Authority aforesaid*, That the Overseers of the City of Philadelphia, the District of Southwark, and the Townships of the Northern Liberties, Moyamensing and Passyunk, shall, on the Twenty-fifth Day of March in every Year, or within six Weeks after, render to the Justices of the County of Philadelphia, and to the Magistrates of the said City respectively, or to any three of them, the Mayor or Recorder being one, a just Account in Writing, fairly entered in a Book to be kept for that Purpose, and signed by them, of all Sums by them received, or rated and not received, and of all Money paid by such Overseers, and of all other Things concerning their Office; which Accounts, when settled, shall be signed by the said Justices or Magistrates, who shall have full Power to allow such Parts thereof only, as to them shall seem just and reasonable. And if any such Overseer or Overseers shall refuse or neglect to make and yield up such Accounts within such Time, or if any Overseer or Overseers, whose Office that Year expires, shall refuse or neglect to pay all the Monies raised by Assessments, which shall remain in their Hands, after deducting the Charges of receiving and removing Paupers as aforesaid; and also all other Monies, which shall remain in their Hands, by Fines, Forfeitures or Donations, to the Treasurer of the said Corporation of Contributors, and deliver up the said Books, and every Thing in his or their Hands, concerning the said Office, to his or their Successor or Successors, or shall refuse or neglect to collect and pay to the Treasurer all such Sums of Money, as are uncollected on the Rate or Assessment at the Expiration of his or their Office, which they are hereby enabled to collect by Warrant, under the Hand and Seal of any one Magistrate within the said City, or Justice within the said County respectively, within six Weeks after his or their going out of Office, it shall and may be lawful to and for the said Justices and Magistrates respectively, or any three of them, to commit such Overseer or Overseers to the common Goal, there to remain, without Bail or Main-prize, till such Overseer or Overseers shall give such Account, and pay and yield up such Money, Books and other Things, as they ought in Manner aforesaid.

XI. *AND*

XI. *AND be it further enacted by the Authority aforesaid*, That the Freeholders of every Borough and Township in this Province (except the Townships of the *Northern Liberties, Moyamensing and Passyunk*) shall meet together on the third *Saturday in March*, yearly and every Year, and choose, by Tickets in Writing, three capable and discreet Freeholders, to settle and adjust the Accounts of the Overseers of the Poor of the respective Boroughs and Townships for the preceding Year, and the Person who shall have served the Office of Overseer shall, on the said Day, or within fifteen Days after, deliver and render to the said Freeholders a just Account in Writing, entered in a Book to be kept for that Purpose, and signed by him, of all Sums by him received, and also of all Materials that have come to his Hands during his Office, or that shall be in his Hands, or in the Hands of any of the Poor, to be wrought, and of the Produce of the Labour of the Poor under his Care, and of all Money paid by such Overseers, and of all other Things concerning his Office; which Accounts, when settled, shall be signed by the said Freeholders, or any two of them, who shall have full Power to allow such Parts thereof only, as to them shall appear just and reasonable. And the said Overseers shall make fair Entries in a Book, of the Names of all the Poor within their respective Boroughs and Townships, with the Time when each of them became chargeable, and of all Certificates delivered to them, and by whom, with the Times when the same were delivered; for which Trouble the said Freeholders, or any two of them, shall, on settling their Accounts, make such Allowances as they shall judge reasonable. And if any of the said Overseers shall refuse or neglect to make and yield up such Books and Accounts, within the Time as aforesaid, or if any such whose Office shall expire, shall refuse or neglect to pay over the Money, and deliver up the Books aforesaid, and every other Thing in his Hands concerning his said Office, to his Successors, or shall refuse or neglect to collect and pay to such Successors all such Sums of Money, as are uncollected on the Rate or Assessment at the Expiration of his Office (which he is hereby empowered to collect by Warrant, to be issued under the Hand and Seal of any one Justice of the Peace in and for his respective County) within thirty Days after his going out of Office, it shall and may be lawful to and for any Justice of the Peace of the said County to commit such Overseer to the common Goal, there to remain, without Bail or Main-prize, till such Overseer shall give such Accounts, and pay and deliver up such Money, Books and other Things, as he ought in Manner aforesaid.

Freeholders of every Borough and Township to meet yearly, on the third *Saturday in March*, and choose three Persons to settle and adjust the Accounts of the Overseers, &c.

Overseers to make fair Entries of the Names of all the Poor, &c.

Penalty on their refusing to yield up the Books and Accounts, &c.

XII. *PROVIDED always nevertheless*, That if any Person shall think himself aggrieved by the Settlement of his Account by the said Freeholders, he may (having first paid over to his Successors the Balance found in his Hands, if any such there be) appeal to the next County Court of Quarter Sessions, who shall, on the Petition of the Party, take such Order therein, and give such Relief, as to them shall appear just and reasonable, and the same shall conclude all Parties.

Persons aggrieved, may appeal, &c.

XIII. *AND be it further enacted by the Authority aforesaid*, That the Overseers of the Poor of the Boroughs and Townships within the several Counties of this Province (except as before is excepted) shall, at least five Days before the third *Saturday in March*, yearly and every Year, during the Continuance of this Act, give public Notice in Writing, by affixing the same in four or more of the most public Places in their respective Boroughs and Townships, of the Place where the Inhabitants and Freeholders of the several Boroughs and Townships shall meet, to elect the Freeholders aforesaid for each and every of the said Boroughs and Townships, according to the Directions of this Act; which Place, so appointed for the said Election, shall be as near the Center of the respective Boroughs and Townships, as conveniently may be.

Overseers of Boroughs, &c. to give five Days Notice of the Place where the Inhabitants are to meet, to elect Freeholders, &c.

XIV. *AND be it further enacted by the Authority aforesaid*, That if any Person, appointed as Overseer of the Poor of the City of *Philadelphia*, shall refuse or neglect to take upon him the said Office, he shall forfeit *Twenty Pounds* to the Overseers of the Poor of the said City, for the Use of the Poor thereof. And if any Person appointed as Overseer of the Poor of any Borough, Township or Place, shall refuse or neglect to take upon him the said Office, he shall forfeit *Five Pounds* to the Overseers of the Poor of the said Borough, Township or Place, for the

Penalty on Overseers refusing to serve, &c.

the Use of the Poor thereof; and the said Forfeitures shall be levied by Warrant from any two Justices of the County, or any two Magistrates of the City of *Philadelphia* respectively, under their Hands and Seals, on the Goods and Chattels of such Person or Persons so neglecting or refusing, and sold within three Days next after such Distress made; and if there happen any Overplus upon Sale thereof, the same shall be paid to the Owner or Owners, reasonable Charges being first deducted; and if such Person or Persons, so neglecting or refusing as aforesaid, shall not have Goods or Chattels whereby he or they may be distrained as aforesaid, that then the said Justices may commit the Offender or Offenders to Prison, there to remain, without Bail or Main-prize, till the said Forfeitures shall be fully satisfied and paid. And if any Overseer shall remove, he shall, before his Removal, deliver over to some other Overseer of the City, Borough, Township or Place, from which he removes, his Accounts as aforesaid, with all Assessments, Books, Papers, Money and other Things concerning his Office; and upon the Death of any Overseer, his Executors or Administrators shall, within forty Days after his Decease, deliver over all Things concerning his Office to some other Overseer as aforesaid, and shall pay out of the Assets, all Money remaining due, which he received by Virtue of his Office, before any of his other Debts are paid.

In case of the Removal or Death of any Overseer, all Books, Papers, &c. to be delivered to other Overseers, &c.

Gifts, Grants, Devises &c. not exceeding the yearly Value of £500, to be available in Law.

XV. *AND be it further enacted by the Authority aforesaid*, That all Gifts, Grants, Devises and Bequests, hereafter to be made, of any Houses, Lands, Tenements, Rents, Goods, Chattels, Sum or Sums of Money, not exceeding in the whole, including all Gifts, Grants, Devises and Bequests heretofore made, the yearly Value of *Five Hundred Pounds*, to the Poor of any Borough or Township within this Province (except the Townships as before excepted) or to any other Person or Persons for their Use, by Deed, or by the last Will and Testament of any Person or Persons, or otherwise howsoever, shall be good and available in Law, and shall pass such Houses, Lands, Tenements, Rents, Goods and Chattels, to the Overseers of the Poor of such Borough or Township, for the Use of their Poor respectively.

Overseers of the Poor for the City, and the different Boroughs, &c. incorporated.

XVI. *AND be it further enacted by the Authority aforesaid*, That the said Overseers of the Poor for the City, Boroughs, District and Townships aforesaid, for the Time being respectively, shall for ever hereafter, in Name and in Fact, be, and they are hereby declared to be Bodies Politic and Corporate in Law, to all Intents and Purposes, and shall have perpetual Succession, and by the Name of *Overseers of the Poor* of the said City, Boroughs, District and Townships, may sue and be sued, and plead and be impleaded, in all Courts of Judicature within this Province, and by that Name shall and may purchase, take or receive any Lands, Tenements or Hereditaments, Goods, Chattels, Sum or Sums of Money, not exceeding in the whole, including all Gifts, Grants, Devises and Bequests heretofore made, the aforesaid yearly Value of *Five Hundred Pounds*, to and for the Use and Benefit of the Poor of the said City, or each of the said Boroughs, District or Townships respectively, of the Gift, Alienation or Devise, of any Person or Persons whomsoever, to hold to them the said Overseers, and their Successors in the said Trust, for the Use of the said Poor for ever.

What is to be deemed gaining a legal Settlement in this Province.

XVII. *AND be it further enacted by the Authority aforesaid*, That if any Person, who shall come to inhabit in the said City of *Philadelphia*, or in any Borough, Township or Place in this Province, shall for himself, and on his own Account, execute any public Office, being legally placed therein, in the said City, Borough, Township or Place, during one whole Year; or if any Person shall be charged with and pay his or her Share towards the public Taxes or Levies for the Poor of the said City, Borough, Township or Place, for two Years successively; or if any Person shall really and *bona Fide* take a Lease of any Lands or Tenements in the said City, or in a Borough, Township or Place, of the yearly Value of *Ten Pounds*, and shall dwell in or upon the same for one whole Year, and pay the said Rent, or shall become seized of any Freehold Estate, in any Lands or Tenements in the said City, or in any Borough, Township or Place in this Province, and shall dwell in or upon the same for one whole Year; or if any unmarried Person, not having Children or Child, shall be lawfully bound or hired as a Servant in the said City, or any of the Boroughs, Townships or Places aforesaid, and shall continue and abide in such Service during one whole Year;

or

or if any Person shall be duly bound an Apprentice by Indenture, and shall inhabit in the said City, or in any Borough, Township or Place, with his or her Master or Mistress, for one whole Year; such Persons, in any of these Cases, shall be adjudged and deemed to gain a legal Settlement in the said City, Borough, Township or Place respectively, where such Person shall so execute an Office, be charged with and pay Taxes, take such Lease, or own any such Freehold Estate, and dwell thereon as aforesaid, or, being hired or bound, shall continue and inhabit in a Place for one whole Year as aforesaid.

XVIII. *AND be it further enacted by the Authority aforesaid,* That every indentured Servant, legally and directly imported from *Europe* into this Province, shall obtain a legal Settlement in the City, Borough, Township or Place, in which such Servant shall first serve with his or her Master or Mistress the Space of sixty Days, and if afterwards such Servant shall duly serve in any other Place for the Space of twelve Months, such Servant shall obtain a legal Settlement in the City, Borough, Township or Place, where such Service was last performed, either with his or her first Master or Mistress, or on an Assignment; and all Mariners coming into this Province, and every other healthy Person, directly coming from *Europe* into this Province, shall be legally settled in the City, Borough, Township or Place, in which he or she shall first settle and reside for the Space of twelve Months.

Manner of indentured Servants gaining a legal Settlement, &c.

XIX. *AND be it further enacted by the Authority aforesaid,* That every married Woman shall be deemed, during Coverture, and after her Husband's Death, to be legally settled in the Place where he was last legally settled; but if he shall have no known legal Settlement, then she shall be deemed, whether he is living or dead, to be legally settled in the Place where she was last legally settled before her Marriage.

Legal Settlement of married Women, how determined.

XX. *AND be it further enacted by the Authority aforesaid,* That if any Person or Persons, after the Publication of this Act, shall come out of the City of *Philadelphia*, or any Borough, Township or Place, into another Borough, Township or Place, within this Province, or shall come out of any Borough, Township or Place in this Province, into the City of *Philadelphia*, there to inhabit and reside, and shall at the same Time procure, bring and deliver unto the Overseers of the Poor of the City, Borough, Township or Place, where he or she shall come to inhabit, a Certificate, under the Hands and Seals of the Overseers of the Poor of the City, Borough, Township or Place, from whence he, she or they removed, to be attested by two or more credible Witnesses, thereby acknowledging the Person or Persons mentioned in the said Certificate to be an Inhabitant or Inhabitants, legally settled in that City, Borough, Township or Place, every such Certificate, having been allowed of and subscribed by one or more Justices of the Peace of the City, or of the County where such Borough, Township or Place doth lie, shall oblige the said City, Borough, Township or Place, to provide for the Persons mentioned in the said Certificate, together with his or her Family, as Inhabitants of that Place, whenever he, she or they shall happen to become chargeable to, or be obliged to ask Relief of the City, Borough, Township or Place, to which such Certificate was given, and into which he, she or they were received by Virtue of the said Certificate, and then, and not before, it shall and may be lawful for any such Person, and his or her Children, though born in the City, Borough, Township or Place, and his and her Servants or Apprentices, not having otherwise acquired a legal Settlement, there to be removed, conveyed and settled in the City, Borough, Township or Place, from whence such Certificate was brought, and the Witnesses who attest the Execution of the Certificate by the Overseers, or one of the said Witnesses, shall make Oath or Affirmation, according to Law, before the Justices who are to allow the same, that such Witness or Witnesses did see the Overseers of the Poor, whose Names and Seals are thereunto subscribed and set, severally sign and seal the said Certificate; and that the Names of such Witnesses attesting the said Certificate are of their own proper Hand-writing; which said Justices shall also certify that such Oath or Affirmation was made before them; and every such Certificate so allowed, and Oath or Affirmation of the Execution thereof so certified, by the said Justices, shall be taken and received as

Persons removing out of the City of *Philadelphia* to any Borough, Township, &c. or from any Borough, &c. into the City, and producing a Certificate, how to be provided for, &c.

Evidence, without other Proof thereof. And no Person so coming by Certificate into the said City, or any Borough, Township or Place, nor an Apprentice or Servant to such Person, shall be deemed or adjudged, by any Act whatsoever, to have gained a legal Settlement therein, unless such Person shall, after the Date of such Certificate, execute some public annual Office, being legally placed therein, in the said City, Borough, Township or Place.

No Person coming into any City, &c. without a Certificate, shall gain a legal Settlement therein, except, &c.

XXI. *AND be it further enacted by the Authority aforesaid,* That no Person whatsoever, who shall come into any City, Borough, Township or Place, without such Certificate as aforesaid (Mariners and other healthy Persons coming from *Europe* as aforesaid excepted) shall gain a legal Settlement therein, unless such Person shall give Security, if required, at his or her coming into the same, for indemnifying and discharging the said City, Borough, Township or Place, to be allowed by any one Magistrate or Justice of the Peace respectively.

Complaint being made by the Overseers of the Poor of Persons likely to become chargeable, Magistrates to issue their Warrant or Order for Removal, &c.

XXII. *AND be it further enacted by the Authority aforesaid,* That upon Complaint being made by the Overseers of the Poor of the said City to any one or more of the Magistrates of the said City, or by the Overseers of the Poor of any Borough, Township or Place, to one or more of the Justices of the Peace of the County, wherein such Borough, Township or Place is situate, it shall and may be lawful to and for any two Magistrates of the said City, or any two Justices of the said County respectively, where any Person or Persons is or are likely to become chargeable to the said City, Borough, Township or Place, in which he, she or they shall come to inhabit, by their Warrant or Order, directed to the said Overseers, to remove and convey such Person or Persons to the City, Borough, Township, Province or Place, where he, she or they was or were last legally settled, unless such Person or Persons shall give sufficient Security to discharge and indemnify the said City, Borough, Township or Place, to which he, she or they is or are likely to become chargeable as aforesaid.

Persons aggrieved, may appeal to the Justices at the Quarter Sessions, who are to determine, &c.

XXIII. *PROVIDED always,* That if any Person or Persons shall think him, her or themselves aggrieved, by any Order of Removal made by any of the said Justices or Magistrates, such Person or Persons may appeal to the Justices of the Peace, at their next General Quarter Sessions of the Peace, for the County from whence such poor Persons shall be removed, and not elsewhere, which said Court shall determine the same; and if there be any Defects of Form in such Order, the Justices in the said Sessions shall cause the same to be rectified and amended, without any Costs to the Party; and, after such Amendment, shall proceed to hear the Truth and Merits of the Cause; but no such Order of Removal shall be proceeded upon, unless reasonable Notice be given by the Overseers of the City, Borough, Township or Place, appealing, unto the Overseers of the City, Borough, Township or Place, from which the Removal shall be, the Reasonableness of which Notice shall be determined by the Justices, at the Quarter Sessions to which the Appeal is made; and if it shall appear to them, that reasonable Time of Notice was not given, then they shall adjourn the Appeal to the next Quarter Sessions, and there determine the same.

Method of proceeding, in case of vexatious Removals and frivolous Appeals, &c.

XXIV. *AND be it further enacted by the Authority aforesaid,* That for the more effectual Prevention of vexatious Removals and frivolous Appeals, the Justices in Sessions, upon any Appeal concerning the Settlement of any poor Person, or upon any Proof before them there to be made, of Notice of any such Appeal to have been given by the proper Officer to the Overseers of the said City, or of any Borough, Township or Place (though they did not afterwards prosecute such Appeal) shall at the same Sessions order to the Party, in whose Behalf such Appeal shall be determined, or to whom such Notice did appear to have been given, such Costs and Charges, as by the said Justices, in their Discretion, shall be thought most reasonable and just, to be paid by the Overseers, or any other Person, against whom such Appeal shall be determined, or by the Person that did give such Notice; and if the Person ordered to pay such Costs and Charges shall live out of the Jurisdiction of said Court, any Justice where such Person shall inhabit shall, on Request to him made, and a true Copy of the Order for the Payment of such Costs and Charges, certified under the Hand of the Clerk of the Court, by his Warrant, cause the same to be levied by Distress; and if no such Distress can be had, shall commit such Person to the common Goal, there

there to remain, without Bail or Main-prize, until he pays the said Costs and Charges. And if the said Justices on such Appeal shall determine in Favour of the Appellant, that such poor Person was unduly removed, they shall at the same Quarter Sessions order and award to such Appellant, so much Money as shall appear to the said Justices to have been reasonably paid by the City, Borough, Township or Place, on whose Behalf such Appeal was made, towards the Relief of such poor Person, between the Time of such undue Removal, and the Determination of such Appeal, with the Costs aforesaid, the said Money so awarded, and the Costs, to be recovered in the same Manner as Costs and Charges, awarded against an Appellant, are to be recovered by Virtue of this Act as aforesaid.

XXV. *AND be it further enacted by the Authority aforesaid,* That if any House-keeper or Inhabitant of this Province shall, after the Publication of this Act, take into, receive or entertain in his or her House or Houses, any Person or Persons whatsoever (all Mariners coming into this Province, and every other healthy Person coming from *Europe* immediately into the said Province, only excepted) not being Persons who have gained a legal Settlement in some City, Borough, Township or Place within this Province, and shall not give Notice in Writing, which they are hereby required to do, within three Days next after the taking into or entertaining any Person or Persons in his or her House, within the City of *Philadelphia*, to the Overseers of the Poor of the said City, and within ten Days next after taking into or entertaining any Person or Persons in his or her House, in any Borough, Township or Place within this Province, to the Overseers of the Poor of the Borough, Township or Place where such Person dwells, such Inhabitant or House-keeper, being thereof legally convicted, by Testimony of one credible Witness, on Oath or Affirmation, before any one Magistrate of the said City of *Philadelphia*, or before any one Justice of the Peace of the County where such Person dwells, shall forfeit and pay the Sum of *Twenty Shillings* for every Offence; the one Moiety for the Use of the Poor of the said City, Borough, Township or Place respectively, and the other Moiety to the Informer, to be levied on the Goods and Chattels of the Delinquents, in the Manner herein after directed; and for Want of sufficient Distress, the Offender to be committed to the Work-house of the said City or County, there to remain, without Bail or Main-prize, for the Space of ten Days. And moreover, in case the Person or Persons so entertained or concealed shall become poor, and unable to maintain him or herself, and cannot be removed to the Place of his or her last legal Settlement in any other Province, if any such he or she hath, or shall happen to die, and not have wherewithal to defray the Charges of his or her Funeral, then, and in such Case, the House-keeper or Person convicted of entertaining or concealing such poor Person, against the Tenor of this Act, shall be obliged to provide for and maintain such poor and indigent Person or Persons; and in case of such poor Person's Death shall pay the Overseers of the Poor so much Money, as shall be expended on the burying of such poor and indigent Person or Persons; and upon Refusal so to do, it shall be lawful for the Overseers of the Poor of the said City, Borough, Township or Place respectively, and they are hereby required to assess a Sum of Money on the Person or Persons so convicted, from Time to Time, by a weekly Assessment, for maintaining such poor and indigent Person or Persons, or assess a Sum of Money for defraying the Charges of such poor Person's Funeral, as the Case may be; and in case the Party convicted shall refuse to pay the Sum of Money, so assessed or charged, to the Overseers of the Poor, for the Uses aforesaid, the same shall be levied on the Goods and Chattels of the Offender, in the Manner herein after directed; but if such Persons, so convicted, have no Goods or Chattels to satisfy the Money so assessed for him or her to pay, that then it shall and may be lawful for the said Magistrates or Justices to commit the Offender to Prison, there to remain, without Bail or Main-prize, until he or she hath paid the same, or until he or she shall be discharged by due Order of Law.

XXVI. *AND be it further enacted by the Authority aforesaid,* That if any Person be removed by Virtue of this Act, from one County, City, Borough, Township or Place to another, by Warrant or Order, under the Hands and Seals of two Justices of the Peace, or Magistrates as aforesaid, the Overseers of the Poor of the City, Borough, Township or Place, to which the said Person shall be

Penalty on House-keepers, &c. entertaining Persons, not having a legal Settlement in this Province, &c.

Penalty on Overseers not receiving Persons removed by Warrant, &c.

to

so removed, are hereby required to receive the said Person; and if any of the said Overseers shall refuse or neglect so to do, he or they so offending, upon Proof thereof by one or more credible Witnesses, upon Oath or Affirmation, before any one of the Magistrates or Justices of the Peace of the City or County where the Offender doth reside, shall forfeit for every such Offence the Sum of *Five Pounds*, to the Use of the Poor of the City, Borough, Township or Place, from which such Person was removed, to be levied by Distress and Sale of the Offender's Goods, by Warrant, under the Hand and Seal of the said Magistrate or Justice of the Peace, which he is hereby required and impowered to make, directed to the Constable of the City, Borough, Township or Place, where such Offender or Offenders dwell, returning the Overplus, if any be, to the Owner or Owners; and for Want of sufficient Distress, then the Offender to be committed to the Goal of the County where he dwells, there to remain, without Bail or Mainprize, for the Space of forty Days.

XXVII. AND whereas it often happens that poor Persons, sometimes with Certificate, and sometimes without, come from the City of *Philadelphia* into some Township or Place within this Province, and from some Place or Township of this Province into the said City of *Philadelphia*, or into some other Township of this Province, and conceal themselves until they become sick or lame, and cannot be removed, or die before they can be removed, by Reason whereof the Inhabitants of the City, Borough, Township or Place, where such poor Person or Persons fell sick or died, are put to Charges, without any Means to relieve themselves from the Payment of the Monies expended for the Maintenance or Burying of such poor Person or Persons, *Be it therefore enacted by the Authority aforesaid*, That if any poor Person or Persons shall come out of the City of *Philadelphia* into any Borough, Township or Place, within this Province, or shall come out of any Borough, Township or Place, within the Province, into the City of *Philadelphia*, or any other Township or Place within this Province, and shall happen to fall sick, or die, before he or she have gained a legal Settlement in the City, Borough, Township or Place, to which he or she shall come, so that such Person or Persons cannot be removed, the Overseers of the Poor of the City, Borough, Township or Place, into which such Person or Persons is or are come, or one of them, shall, as soon as conveniently may be, give Notice to the Overseers of the Poor of the City, Borough, Township or Place, where such Person or Persons had last gained a legal Settlement, or to one of them, of the Name, Circumstances and Condition of such Person or Persons; and if the Overseers of the Poor, to whom such Notice shall be given, shall neglect or refuse to pay the Monies expended for the Use of such poor Person or Persons, and to take Order for relieving and maintaining such poor Person or Persons, or in case of his, her or their Death, before Notice can be given as aforesaid, shall, on Request being made, neglect or refuse to pay the Monies expended in maintaining and burying such poor Person or Persons, then, and in every such Case, it shall be lawful for any two Justices of the Peace of the City or County where such poor Person or Persons were last legally settled, and they are hereby authorised and required, upon Complaint made to them, to cause all such Sums of Money, as were necessarily expended for the Maintenance of such poor Person or Persons, during the whole Time of his, her or their Sicknefs, and in case he, she or they die, for his, her or their Burial, by Warrant under their Hands and Seals, to be directed to some Constable of the City or County respectively, to be levied by Distress and Sale of the Goods and Chattels of the said Overseer or Overseers of the Poor, so neglecting or refusing, to be paid to the Overseer or Overseers of the City, Borough, Township or Place, where such poor Person or Persons happened to be sick, or to die as aforesaid, and the Overplus of the Monies arising by Sale of such Goods, remaining in the Constable's Hands, after the Sum of Money ordered to be paid, together with the Costs of Distress, are satisfied, shall be restored to the Owner or Owners of the said Goods.

XXVIII. *PROVIDED always*, That if any of the said Overseers shall think him or themselves aggrieved by any Sentence of such Justices, or by their Refusal to make any Order, as is aforesaid, he or they may appeal to the Justices of the Peace, at their next Court of Quarter Sessions for the County where such Justices

Poor Persons coming from the City of *Philadelphia* into any Borough, &c. or from thence into the said City, and fall sick, or die, Overseers to give Notice to those, where such Persons last gained a legal Settlement, &c.
Method of proceeding, in case they refuse to reimburse the Expenses, &c.

Overseers being aggrieved, may appeal, &c.

Justices reside, and not elsewhere; who are hereby authorised and required to hear, and finally to determine the same.

XXIX. *AND be it further enacted by the Authority aforesaid*, That the Father and Grandfather, and the Mother and Grandmother, and the Children of every poor, old, blind, lame and impotent Person, or other poor Person, not able to work, being of sufficient Ability, shall at their own Charges relieve and maintain every such poor Person, as the Magistrates, or the Justices of the Peace, at their next General Quarter Sessions for the City or County where such poor Persons reside, shall order and direct, on Pain of forfeiting *Forty Shillings* for every Month they shall fail therein.

Father and Grandfather, &c. of poor impotent Persons, being of sufficient Ability, to maintain them, &c.

XXX. *AND* whereas it sometimes happens that Men separate themselves, without reasonable Cause, from their Wives, and desert their Children; and Women also desert their Children, leaving them a Charge upon the said City, or upon some Borough, Township or Place aforesaid, although such Persons may have Estates, which should contribute to the Maintenance of such Wives or Children; *Be it therefore enacted by the Authority aforesaid*, That it shall and may be lawful for the Overseers of the Poor of the said City, having first obtained a Warrant or Order from two Magistrates of the said City; or for the Overseers of any Borough, Township or Place, where such Wife or Children shall be so left, or where such Wife or Children shall be so neglected, having first obtained a Warrant or Order of any two Justices of the Peace of the County, to take and seize so much of the Goods and Chattels, and receive so much of the annual Rents and Profits of the Lands and Tenements of such Husband, Father or Mother, as such two Magistrates or Justices shall order and direct, for providing for such Wife, and for maintaining and bringing up such Child or Children; which Warrant or Order being confirmed at the next Quarter Sessions for the City or County respectively, it shall and may be lawful for the Justices there to make an Order, for the Overseers to dispose of such Goods and Chattels, by Sale or otherwise, or so much of them, for the Purposes aforesaid, as the Court shall think fit, and to receive the Rents and Profits, or so much of them as shall be ordered by the said Sessions, of his or her Lands and Tenements, for the Purposes aforesaid; and if no Estate, real or personal, of such Husband, Father or Mother, can be found, wherewith Provision may be made as aforesaid, it shall and may be lawful to and for the said Justices, in their Court of Quarter Sessions for the City or County respectively, to order the Payment of such Sums as they shall think reasonable, for the Maintenance of any Wife or Children so neglected, and commit such Husband, Father or Mother to the common Goal, there to remain, until he or she comply with the said Order, give Security for the Performance thereof, or be otherwise discharged by the said Justices; and on Complaint made to any Magistrate of the City of *Philadelphia*, or to any Justice of the Peace in any County, of any Wife or Children being so neglected, such Magistrate or Justice shall take Security from the Husband, Father or Mother, neglecting as aforesaid, for his or her Appearance at the next General Quarter Sessions, there to abide the Determination of the said Court, and for Want of Security, to commit such Persons.

Method of proceeding, in case Father or Mother desert their Children, and leave them chargeable, &c.

XXXI. *AND be it further enacted by the Authority aforesaid*, That the several Fines, Forfeitures and Penalties, Sum and Sums of Money, imposed or directed to be paid by this Act, and not herein otherwise directed to be recovered, the same, and every of them, shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Delinquent or Offender, by Warrant, under the Hands and Seals of one or more of the Aldermen of the City of *Philadelphia*, for the said City, and under the Hand and Seal of any one Justice of the County, where the Delinquent or Offender dwells, or is to be found; and after Satisfaction made of the respective Forfeitures, Fines, Penalties and Sums of Money, directed to be levied by such Warrant as aforesaid, together with such legal Charges as shall become due on the Recovery thereof, the Overplus, if any, to be returned to the Owner or Owners of such Goods and Chattels, his or her Executors or Administrators.

Manner of recovering Fines, &c.

XXXII. *PROVIDED* always, That if any Person or Persons shall find him or themselves aggrieved with any Judgment of the Justices, given out of their Sessions, in Pursuance of this Act, such Person or Persons may appeal to

Persons aggrieved, may appeal, &c.

the next General Quarter Sessions of the Peace, for the County or City where Sentence was given (except in Cases of Removals, and Cases of poor Persons becoming chargeable in one Place, who are legally settled in another, as is otherwise provided for by this Act) whose Decision, in all such Cases, shall be conclusive.

Overseers,
&c. sued for
any Thing
done by Di-
rection of
this Act, may
plead the ge-
neral Issue.

XXXIII. *AND be it further enacted by the Authority aforesaid*, That if any Action shall be brought against any Overseer, or other Person, who, in his Aid, and by his Command, shall do any Thing concerning his Office, he may plead the general Issue, and give this Act, and any special Matter in Evidence; and if the Plaintiff shall fail in his Action, discontinue the same, or become Non-suit, he shall pay double Costs.

Former Laws
relating to
the Poor re-
pealed.

XXXIV. *AND be it further enacted by the Authority aforesaid*, That an Act of the General Assembly of this Province, intituled, *An Act for the Relief of the Poor*; and another Act, intituled, *An Act for supplying some Defects in the Law for the Relief of the Poor*; and another Act, intituled, *A Supplement to the several Acts of Assembly of this Province for the Relief of the Poor*; and another Act, intituled, *An Act for amending the Laws relating to the Poor*; be and are hereby repealed, annulled, and made void.

Nothing in
this Act to
abridge the
Powers of the
Overseers,
till the 25th
of March
next.

XXXV. *PROVIDED always, and be it further enacted by the Authority aforesaid*, That nothing in this Act contained shall be deemed or construed to extend to abridge, alter or change the Powers and Duties of the present respective Overseers of the Poor in any City, Borough, Township or Place, within this Province; but that they, the said Overseers of the Poor, shall continue to hold, exercise, do and perform the respective Duties to their Offices belonging, until the Twenty-fifth Day of *March* next, as fully and amply, to all Intents and Purposes, as if this Act had not been made, any Thing herein contained to the contrary notwithstanding.

Part of the
Act of the
Sixth of
GEORGE III.
repealed.

XXXVI. *AND be it further enacted*, That so much of the Act of Assembly, passed in the Sixth Year of His present Majesty's Reign, intituled, *An Act for the better Employment, Relief and Support of the Poor, within the City of Philadelphia, the District of Southwark, the Townships of Moyamensing and Passyunk, and the Northern Liberties*, as relates to the applying the Monies, which shall be raised in the said City, District and Townships, for the Maintenance, Support and Employment of their respective Poor, or is otherwise hereby altered or supplied, shall be and is hereby declared to be repealed, null and void.

Limitation.

XXXVII. *AND be it further enacted by the Authority aforesaid*, That this Act shall continue in Force for the Space of Five Years, and from thence to the End of the next Sitting of Assembly, and no longer.

Passed March 9, 1771.

C A P. XIX.

An A C T for regulating and continuing the Nightly Watch, enlightening the Streets, Lanes and Alleys of the City of *Philadelphia*, and for other Purposes therein mentioned.

Preamble.

WHEREAS the well ordering and regulating the Watch, and enlightening the Streets, Lanes and Alleys in the Night Time, within the City of *Philadelphia*, have been found, on Experience, very necessary to prevent Fires, Murders, Burglaries, Robberies, Breaches of the Peace, and other Outrages and Disorders: THEREFORE BE IT ENACTED by the Honourable JOHN PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and the Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That it shall and may be lawful for *Samuel Morton*, *Thomas Mifflin*, *Edward Duffield*, *Jacob Winey*, *Moore Furman*, and *Joshua Humphreys*, Gentlemen, who are hereby stiled *Wardens*, or the greater Number of them, as soon as conveniently they can, after the Publication of this Act, and having qualified themselves as is herein after directed, to meet together at the Court-house of the said City, and

Wardens ap-
pointed.

for

for those who, in Pursuance of this Act, shall succeed them in the said Trust, in like Manner, to meet together annually on the Sixth Day of *October*, unless it shall be on a *Sunday*, and in such Case on the Day following, and then and there, or at such other Times and Places as they, the said Wardens, shall appoint, to maintain, preserve and take Care of the Lamps already erected, put up and fixed, and to erect, put up and fix any additional Number of Lamps, in such Parts and Places of the said City as to them shall seem meet and expedient; and to contract with any Person or Persons for the lighting, trimming, snuffing, supplying, maintaining and repairing them; and shall likewise order, appoint, hire and employ what Number of Watchmen they shall judge necessary and proper, from the Time of their first meeting together as aforesaid, after the Publication of this Act, until the Tenth Day of *October* next, and from and after that Day annually for one whole Year; and shall then and there direct and order what Wages shall be given them: And if any of the said Watchmen, so by them hired and appointed, shall happen to die within the Time for which they were appointed, or shall be negligent in his or their Duty, or be guilty of any Misbehaviour, it shall and may be lawful for the Wardens aforesaid, or a Majority of them, at any intermediate Time of the Year, to remove any of the said Watchmen so appointed, and to employ, hire and appoint one or more Person or Persons, fitly qualified, in the Room and Stead of him or them so dying, neglecting his Duty, or misbehaving as aforesaid.

Who are to be qualified, and meet, &c.

And to put up a sufficient Number of Lamps, &c.

And to hire Watchmen, &c.

And remove them for Misbehaviour, &c.

II. *AND be it further enacted by the Authority aforesaid*, That the Mayor, Recorder, and four Aldermen of the said City, together with the Wardens now or hereafter to be appointed or elected by Virtue of this Act, or a Majority of the whole, shall, as soon as conveniently they can, direct and set down in Writing, at what Stands it is fit for the said Watchmen to be placed, how often they shall go their Rounds; and also appoint the Rounds each Watchman is to go, and order what Number of the Constables of the said City shall watch each Night; and shall, from Time to Time, make such further and other Orders and Regulations, for the better Government of the said Constables and Watchmen, as the Nature of each particular Service shall seem to them to require.

Orders and Regulations for Constables and Watchmen.

III. *AND be it further enacted by the Authority aforesaid*, That a true Copy or Transcript of all Orders, Regulations, Nominations and Appointments, which shall from Time to Time be so made as aforesaid, for the better Direction and Government of the Constables and Watchmen, shall be fairly written or printed, and signed by the Mayor or Recorder, or any two Aldermen of the said City, and any four of the Wardens aforesaid, or of those who, in Pursuance of this Act, shall succeed them in the Trust aforesaid, and shall be delivered to all and every of the Constables of the said City; and also a true Copy of such Parts thereof, as shall relate to the Conduct and Government of the Watchmen so to be hired, shall be delivered to each of them.

Copy of Orders to be given to the Constables and Watchmen.

IV. *AND be it further enacted by the Authority aforesaid*, That one or more of the said Constables, as by the Orders and Regulations to be made as aforesaid shall be judged necessary, shall attend at the Court-house of the said City, or at such other convenient Place, as the Mayor, Recorder, and four of the Aldermen aforesaid, and the Wardens aforesaid, or a Majority of the whole, shall appoint, and shall keep Watch and Ward in Manner following; that is to say, from the Tenth Day of *March* to the Tenth Day of *September*, in every Year, from the Hours of Ten in the Evening until Four the next Morning; and from the Tenth Day of *September* to the Tenth Day of *March*, in every Year, from Nine in the Evening until Six in the Morning: And the Constables shall, in their several Turns and Courses of watching, use their best Endeavours to prevent Fires, Murders, Burglaries, Robberies, and other Outrages and Disorders, within the said City; and to that End shall, and they are hereby impowered and required to arrest and apprehend all Night-walkers, Malefactors and suspected Persons, who shall be found wandering and misbehaving themselves, and shall take the Person or Persons who shall be so apprehended, as soon as conveniently they may, before one or more of the Justices of the Peace of and for the said City, to be examined and dealt with according to Law. And shall once or oftener, at convenient Times in every Night, go about the several Wards of the said City,

Hours of keeping Watch.

Constables Duty.

and

and take Notice whether the Watchmen perform their Duties in their several Stations, according to such Orders and Regulations as shall have been made for that Purpose as aforesaid. And in case any such Watchman shall misbehave himself, or neglect his Duty, the said Constables, or one of them, shall, as soon as conveniently may be, give Notice thereof to some of the Wardens aforesaid, appointed by or hereafter to be appointed or elected according to this Act, to the End the said Watchmen, so neglecting or misbehaving, may be admonished, or discharged from the Service as aforesaid. And the said Constable shall also observe, execute and perform all such Orders and Regulations, as shall, from Time to Time, be made upon and concerning the Matters aforesaid, by Virtue of this Act, so far as to the Constable pertaineth. And the said Constable, for every Night's Watching as aforesaid, shall be paid by the Treasurer, to be appointed as herein after mentioned, at the Rate of *Three Shillings per Night*.

Constables
Pay.

Penalty on
Constables
neglecting
their Duty.

V. *AND be it further enacted by the Authority aforesaid*, That if any of the said Constables shall wilfully neglect to attend any Night in his or their Turns, to keep Watch and Ward as aforesaid, at the respective Hours appointed by this Act for his Attendance thereon, or shall depart from or leave keeping Watch and Ward, during the respective Hours appointed by this Act for keeping the same; or shall neglect to go about the several Wards of the said City once at least in every Night of his or their Watching, for the Purposes mentioned in this Act; or shall otherwise misbehave him or themselves, or be negligent in the Duty prescribed them by this Act, or which shall be prescribed to them by any Rules, Orders or Regulations to be made by the Mayor, Recorder, Aldermen and Wardens as aforesaid, by Virtue of this Act, in each and every of the said Cases the Person or Persons, so offending, shall respectively forfeit the Sum of *Twenty Shillings* for every such Offence.

Duty of the
Watchmen.

VI. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for the said Watchmen, or any of them, in the Absence of the Constables, and they are also hereby impowered and required in their several Stations, during the Time of their keeping Watch and Ward as aforesaid, to apprehend all Night-walkers, Malefactors, Rogues, Vagabonds and disorderly Persons, whom they shall find disturbing the public Peace, or shall have Cause to suspect of any evil Design, and to carry the Person or Persons so apprehended, as soon as conveniently may be, before one or more Justices of the Peace of the said City, to be examined and dealt with according to Law. And the Watchmen, so to be appointed as aforesaid, shall be at their respective Stands, to be appointed as aforesaid, and keep Watch and Ward at the Hours and during the Time herein before mentioned, and shall observe, perform and execute all such Matters and Things, as by the Rules, Orders and Regulations of the Mayor, Recorder, Aldermen and Wardens aforesaid, shall be from Time to Time enjoined them, upon and concerning the Matters aforesaid, according to the Directions of this Act. And in case of any Fire breaking out, or other great Necessity, shall immediately alarm each other, and the Inhabitants in their respective Rounds; which when done, they shall repair to their respective Stands, the better to discover any other Fire that may happen, as well as to prevent any Burglaries, Robberies, Felonies, Breaches of the Peace, Outrages and Disorders, and to apprehend any suspected Persons, who, in such Times of Confusion, may be feloniously carrying off the Goods and Effects of others.

Wardens im-
powered to
dig Wells,
and fix Pumps
in proper
Places.

And to pur-
chase Pumps
already fixed,
in the Pub-
lic.

VII. *AND whereas the having a sufficient Number of Pumps in the said City, and keeping them in good Repair, may be of great Use and Service in extinguishing Fires, which may happen within the City; Be it further enacted by the Authority aforesaid*, That the Wardens herein before appointed, or hereafter to be chosen by Virtue of this Act, are hereby authorised and impowered, with the Consent of the Mayor, Recorder, and any two of the Magistrates of the City, to dig such an additional Number of Wells, and therein fix Pumps, in such convenient Places as to them shall appear necessary, within the Streets, Lanes or Alleys of the City. And the said Wardens, or any four of them, are hereby further authorised and impowered to agree with the Owner or Owners for such Pump or Pumps, as are already fixed in the Streets, Lanes or Alleys, within the said City, and after such Agreement made with the respective Owner or Owners thereof,

thereof, such Pump or Pumps shall for ever after become the Property of, and belong to, the Public, to be maintained and kept in Repair at the public Charge.

VIII. AND whereas many of the Pumps within the Streets of the said City have been greatly neglected, and suffered to lie long out of Repair by their respective Owners, *Be it further enacted by the Authority aforesaid*, That the said Wardens shall, and they are hereby authorised and enjoined to enquire into the Condition, and take Care of the Repair of the said several Pumps within the Streets, Lanes or Alleys of the said City; and if, after due Enquiry, any of the said Pumps shall be found, on the Evidence of two or more Witnesses, to have been out of Repair by the Space of three Months, next after Notice thereof given by one or more of the said Wardens to the Owner or Owners of the said Pumps, then, and in such Case, every such Pump or Pumps shall for ever after become and be the Property of the Public, to be maintained at the public Charge. And every such Owner or Owners of such Pump or Pumps, within the Streets, Lanes and Alleys of the said City, as shall duly maintain and keep them in good Order and Repair, to the Satisfaction of the Wardens, or a Majority of them, shall be allowed the Sum of *Thirty Shillings* yearly, to be paid to them the said Owners, out of the Monies arising by Virtue of this Act. And that every Owner or Owners of any Pump, in his, her or their Yard, within the said City, who shall duly maintain and keep it in good Order and Repair, to the Satisfaction of the Wardens as aforesaid, shall be allowed the Sum of *Seven Shillings and Six-pence* yearly, to be paid in Manner aforesaid.

To keep the Pumps in Repair, &c.

Thirty Shillings a Year allowed to Owners, who keep their Pumps in Order, &c.

IX. PROVIDED always, and be it further enacted by the Authority aforesaid, That no Person or Persons whatsoever, who shall take or receive of and from the said Wardens the said Sum of *Thirty Shillings* yearly, for any Pump by him, her or them so maintained and kept in good Order and Repair, shall take or receive from any of the Inhabitants of the said City any Recompence, Sum or Sums of Money, for any Water which such Inhabitants shall draw, take or make Use of out of the said Pumps; but that any Person or Persons whatsoever shall and may draw, take and make Use of the Water of the said Pumps, as fully and freely as they may the Water of the Pumps maintained and supported by the said Wardens.

Such Owners not to take any Recompence from the Inhabitants who make Use of their Pumps, &c.

X. AND be it further enacted by the Authority aforesaid, That if any Person or Persons shall and do, after the Publication of this Act, wilfully or maliciously break and carry away the Handles of any of the Pumps within the said City, or otherwise injure or damage the same, every Person so offending, and being thereof convicted by the lawful Testimony of one or more Witnesses, before one or more Justice or Justices of the Peace for the said City, shall, for the first Offence, forfeit and pay the Sum of *Five Pounds* for each Pump so broken or damaged, and for the second, and every other Offence, the Sum of *Ten Pounds*.

Penalty on damaging Pumps.

XI. AND forasmuch as it is intended that six Wardens shall be continued to assist in the Execution of this Act, and that the two eldest, or first named, shall be successively changed by yearly Elections within the said City, *Be it therefore further enacted by the Authority aforesaid*, That the Freeholders and Inhabitants of the said City, qualified to elect and be elected Members of Assembly, at the Time and Place of their electing Burgeesses or Representatives of the Freeman of the said City, to serve in the Assembly aforesaid, shall then and there yearly, during the Continuance of this Act, in a peaceable and quiet Manner, make Choice of two Persons for Wardens, to join with four of the Wardens herein before appointed, to execute and perform the Services enjoined them by this Act; which Elections shall be carried on in Manner following; that is to say, all Persons who, by Virtue of the Laws of this Province, have Right to vote in such Elections, at the same Time they deliver in their Tickets for the Choice of Burgeesses, shall also deliver in Writing, in one other Piece of Paper, to the Judges of those Elections, the Names of two Persons for whom they vote as Wardens. And when all the Electors appearing shall have delivered in their Papers or Tickets, the Sheriff and Judges of those Elections shall proceed in taking an Account thereof, and publishing the Persons duly elected to the Service aforesaid, in like Manner as by Law is directed in the Cases of Elections

Wardens how to be chosen.

of Representatives to serve in the General Assembly aforesaid; which Wardens, so from Time to Time to be chosen, shall be the Wardens to join with others herein before named, to execute this Act; so always, that the Wardens herein before appointed shall be successively changed as is herein directed; that is to say, the two Wardens in this Act first named to go out at the End of the Year, namely, on the First Day of *October* next; and the two Wardens next after named to go out at the End of the second Year; and the other two Wardens last named to go out at the End of the third Year. And when the said Wardens shall from Time to Time be chosen, the Sheriff of the City and County of *Philadelphia*, or other Judges of the said Elections, then and so often shall take their Names in Writing, under the Hands and Seals of at least six or more of the said Freeholders, and certify the same to the Mayor, Recorder and Aldermen of the said City for the Time being, at their General Sessions of the Peace held for the said City next after any such Elections, there to be entered by the Clerk in the Minute-book of the said Court.

XII. AND in regard it is intended that the Wardens, together with the City Assessors, shall execute the Powers and Authorities herein after given and required of them by this Act: And forasmuch as the Act, passed in the Tenth Year of Queen ANNE, intituled, *An Act for raising Money on the Inhabitants of the City of Philadelphia, for the public Use and Benefit thereof*, by which the City Assessors are directed to be chosen, has made no Provision for the Qualification of the said Assessors to the faithful Discharge of their several Services and Duties, as ought to have been done, and as the Assessors for the respective Counties are enjoined to do; *It is therefore enacted*, That before any of the Wardens herein nominated, or hereafter to be chosen by Virtue of this Act, shall take upon themselves the Services and Duties by this Act required, they and each of them shall take a legal Qualification, of the Tenor and Effect following; that is to say, *That they will well and truly cause the Debts arising by Virtue of this Act to be speedily adjusted, and the several Sums of Money hereby imposed to be duly collected, and applied to the Purposes by this Act intended, and to no other Purpose whatsoever; and that they will diligently attend, and faithfully discharge the Duties and Services enjoined them by this Act, during the Term of their Continuance therein, according to the best of their Skill and Abilities.*

Wardens
Qualifica-
tion.

XIII. AND before any of the said Assessors, hereafter to be chosen by Virtue of the aforesaid Act of the Tenth of Queen ANNE, shall take upon themselves their several Duties enjoined by Virtue of this or the aforesaid Act, intituled, *An Act for raising Money on the Inhabitants of the City of Philadelphia, &c.* they and each of them shall take a legal Qualification, of the following Effect; that is to say, *That they will well and truly cause the Rates and Sums of Money by this Act, and by the aforesaid City Act imposed, to be duly and equally assessed and laid, to the best of their Skill and Knowledge; and therein will spare no Person for Favour or Affection, nor grieve any for Hatred or Ill-will; and that they and each of them, the said Assessors, will diligently attend, and faithfully execute the said Office, during the Term of their Continuance therein, according to the best of their Abilities and Judgment.* Which Qualifications the Mayor or Recorder, or any two of the Aldermen of the said City, have Power, and are hereby enjoined to administer, when required. And the said Qualifications shall be put in Writing, and signed by those who take them, and certified by the Mayor or Recorder, or Aldermen aforesaid, and filed by the Clerk of the Sessions aforesaid.

Assessors
Qualifica-
tion.

XIV. AND for the better raising and levying of Money, for paying the Wages of the Watchmen, keeping a good and regular Watch, enlightening the Streets, Lanes and Alleys, supporting the Lamps in good Order, and maintaining the public Pumps in Repair, *Be it enacted by the Authority aforesaid*, That it shall and may be lawful to and for the Wardens in this Act named, together with the City Assessors for the Time being, or a Majority of them, to meet as soon as they conveniently can, after Publication of this Act, and for those who shall succeed them in the said Trust, as by this Act is directed, or any four of them, together with the City Assessors for the Time being, or a Majority of them, to meet on the Sixth Day of *October*, yearly and every Year, unless the same shall happen on a *Sunday*, and then on the Day following, at the Court-
house

Wardens and
Assessors to
meet, and
estimate what
Money is ne-
cessary, &c.

house of the said City, or some other convenient Place, and then and there to estimate, determine and judge, what Sum and Sums of Money shall be necessary to be raised and levied on the Inhabitants of the said City, for paying the Debts already contracted by the late Wardens, and for answering the Purposes intended by this Act.

XV. *AND be it further enacted by the Authority aforesaid*, That the said Wardens, and those who shall succeed them in the said Trust, or any four of them, shall, within six Days after such Estimate is made, issue forth their Precepts, directed to the Constables of the said City, requiring them to bring to the said Wardens and Assessors, within five Days next after the Date of such Precept, fair and true Certificates, in Writing, upon their legal Qualifications, of the Names and Surnames of all and every of the Persons dwelling or residing within the Limits of their Wards, and the Names of all Freemen, Inmates, hired Servants, and all other Persons residing or sojourning in every of the said Wards, together with an Account of what Houses, Lands, Tenements, Rent-charges, bound Servants and *Negroes*, with their Ages, they respectively hold or possess in such Ward, without Concealment, Fear, Malice, Favour or Affection, upon Pain of Forfeiture of any Sum not exceeding *Five Pounds*, to be levied as by this Act is appointed. And every of the said Constables shall have and receive, from the Treasurer hereafter to be appointed, *Three Half-pence per Pound*, out of the Sums to be collected from the Inhabitants by them returned, for their Care and Trouble in executing and returning the said Precepts in Manner aforesaid. And that the said Wardens and Assessors, or a Majority of them, shall meet at the Day and Place where the said Precepts shall be made returnable, and then and there receive the Constables Returns. And that the said Assessors shall thereupon, by the legal Qualifications of the said Constables, or other credible Persons (which Qualifications any of the said Wardens are hereby empowered and required to administer) or by any other lawful Ways or Means, inform themselves what Persons and Estates in the said City are rateable by Virtue of this Act, and shall forthwith equally and impartially assess themselves and all others, rateable as aforesaid, having a due Regard to such as are poor, and have a Charge of Children; and exempting out of such Assessments all single Men, who, at the Time of Assessment, are under Twenty-one Years of Age, or have not been out of their Servitude or Apprenticeship six Months. And all transient Persons and Strangers, who shall have large Quantities of Goods and Merchandize for Sale in the said City, shall, for such Goods and Merchandize, be rated in Proportion to the said Inhabitants. And the said Assessors, for their Time and Labour in the Premises, shall be allowed *Three Half-pence per Pound* for the whole Sums assessed, after the Assessment is rectified and adjusted by the Wardens, according to the Directions of this Act, to be paid by the Treasurer herein after appointed, and to be equally divided amongst them; which said Poundage shall be to the Assessors, for the Time being, in full Satisfaction for all Services and Attendances required of them by this Act. *Provided always*, That no such Assessment or Assessments, to be made by Virtue of this Act in any one Year, shall exceed the Value of *Five-pence* in the *Pound*; and that no Person shall be chargeable, within the Intent and Meaning of this Act, unless he be assessed at *Eight Pounds*, or upwards.

XVI. *AND* whereas several evil-disposed Persons have broken, and may wilfully and maliciously break and destroy the Lamps hung out in the Streets, Lanes and Alleys of the said City: To prevent the like malicious Practices for the future, *Be it enacted by the Authority aforesaid*, That if any Person or Persons shall and do, from and after the Publication of this Act, wilfully or maliciously break, throw down or extinguish any Lamp, that is or shall be hung out or set up to light the said Streets, Lanes or Alleys, or shall wilfully and maliciously damage the Post, Iron or other Furniture thereof, every Person so offending therein, and being thereof convicted, by the lawful Testimony of one or more Witnesses or Witnesses, in any Court of Quarter Sessions in and for the said City, shall forfeit and pay the Sum of *Twenty-five Pounds* for each Lamp so broken, thrown down, extinguished, or otherwise damaged, and for each Post, Iron or other Furniture thereof, so broken or damaged. And if any Person or Persons shall accidentally

And issue their Precepts to the Constables to make Returns.

Penalty on Constables.

Constables Allowance.

Assessors to assess themselves, and all others.

Exemption.

Assessors Allowance.

Limitation of Assessments.

Exemption.

Penalty on damaging Lamps, &c.

accidentally or undesignedly break, throw down, or extinguish any of the Lamps aforesaid, or damage any of the said Posts, Irons or Centry-boxes, and, having so done, shall fail of giving Notice thereof to some one or more of the said Wardens, within Twenty-four Hours from the Time of the said Damage being done, every Person, so failing to give Notice, shall forfeit double the Sum of Money necessary, in the Judgment of the Wardens aforesaid, to repair the same; but if Notice be by him given as aforesaid, he shall only pay so much as, in the Judgment of the Wardens aforesaid, will fully repair the Damage done, any Thing herein contained to the contrary notwithstanding.

Wardens and
Assessors to
appoint a
Clerk.

His Duty.

And Reward.

Assessors to
appoint a
Collector.

Collector's
Duty.

Duty of
Wardens on
Appeals.

Collector to
give Notice,
&c...

XVII. *AND be it further enacted by the Authority aforesaid*, That the said Wardens and Assessors, the better to enable them to discharge the Duties enjoined them by this Act, shall choose and employ a fit and able Person for their Clerk, who shall, in Books to be provided for that Purpose by the Wardens, make such Entries, and keep such Accounts, as he shall be directed to do by the Wardens and Assessors, or a Majority of them, from Time to Time; and shall also make such Entries, and keep such Accounts, as he shall be required to do by the Wardens, or a Majority of them, of all Matters and Things enjoined them by this Act; and also to do and perform all other Duties by him to be done in Pursuance of this Act; for which he shall be allowed such a reasonable Reward, as the said Wardens, or any four of them, shall appoint, which shall, by an Order from the said Wardens, or any four of them, be paid him by the Treasurer.

XVIII. *AND be it further enacted by the Authority aforesaid*, That the said Assessors shall, after the Assessments made as aforesaid, appoint one or more fit Person or Persons, to be Collector or Collectors of the said Assessments from Time to Time, and shall cause fair Duplicates of the Assessments to be drawn, one Part thereof shall be by the Clerk delivered to the Wardens, and the other Part to the Collector or Collectors, with Directions, under the Hands of four or more of the Wardens, to every such Collector, indorsed on his Duplicate, or annexed thereunto, requiring him or them to demand of the Parties the respective Sums of Money wherewith they are chargeable, and acquaint them of the Day of Appeal, which shall be appointed by the said Wardens within twenty Days after the Assessments are made; but where any of the said Collectors cannot meet the Party of whom Demand is to be made as aforesaid, he or they shall leave Notice in Writing with some of the Family, or at the Place of the Party's last Abode, signifying also the Day of Appeal; at which Day the said Collector or Collectors shall return their Duplicates, with the Names of such Persons, and Value of such Estates, as shall be concealed, undervalued or omitted in the Constables Returns; and if any Person or Persons shall find him, her or themselves aggrieved with any of the said Assessments, supposing the same to be unequal, he, she or they may appeal to the Wardens aforesaid; and the said Wardens are hereby required to meet on the said Day of Appeal, where the Assessors shall attend, and lay before the Wardens all the written Certificates of the Names of the Taxables, and the Account of their Estates, returned by the Constables, as this Act requires, together with the particular Valuation, set by the said Assessors upon the Persons and Estates so returned; whereupon the Wardens shall take due Notice thereof, and strictly examine the Persons appealing, upon their legal Qualification, concerning the Cause of their Appeal; and upon such Examination or other Proof, they are hereby impowered to diminish or add to such Person's Rate or Assessment, as to them shall seem just and reasonable; with Power also to call before them such Persons, and take Notice of such Estates, as they find are omitted in the said Assessments, in order to rectify it; and if the Persons so omitted refuse or neglect to appear, and give an Account of the Value of their Estates, they shall be rated and assessed according to their Estates, by the Judgment of the said Wardens, or a Majority of them. And the said Wardens, upon hearing of the said Appeals, shall rectify and adjust the said Assessments, by abating or adding, to the Sums contained in the Duplicates, and shall also cause their Collector to give the Parties concerned, where Omissions are supplied, or Additions made to their Assessments, five Days Notice to appear before the Wardens, and make their Objections thereunto; and the

the Clerk shall, within five Days next after the Day of Appeal, deliver to the Treasurer, herein after directed to be appointed, a true Account of the Sums total which the Collector or Collectors aforesaid shall be charged with, pursuant to this Act. And the said Wardens shall cause their Clerk to draw fair Duplicates of the Assessments so rectified as aforesaid, and deliver them to the Collector or Collectors to be appointed as aforesaid, within five Days after the said Day of Appeal, with a Warrant annexed thereunto, under the Hands and Seals of four or more of the said Wardens, requiring him or them forthwith to collect and receive from the Persons assessed, the several Sums in the Duplicates mentioned. And in case any Person or Persons, so rated or assessed by Virtue of this Act, shall neglect or refuse to pay the Sum or Sums so assessed, by the Space of thirty Days after Demand made as aforesaid, it shall be lawful for the said Collector or Collectors, by Virtue of a special Warrant for that Purpose, signed and sealed by any four or more of the said Wardens, who shall forthwith grant the same, and shall thereby empower the said Collector or Collectors to call to their Assistance, if Occasion be, any Constable or other Person, and in case of Resistance, to break open in the Day-time any House, Trunk, Box, Chest, Closet, Cupboard, or other Things, where any such Offenders Goods, Chattels or Effects are supposed to be, and make Distress and Sale thereof, rendering the Overplus, if any be, to the Owners, after reasonable Charges deducted. But if no Distress can be found by the Collector or Collectors, and the Party refuses or neglects to shew them Goods or Chattels of his own, forthwith to satisfy the Money then due, with reasonable Charges, then the said Assessments to be levied by Imprisonment of the Person so refusing or neglecting to pay as aforesaid, until the same shall be paid; or on the Goods and Chattels of any of his Tenants, if such there be, and the Delinquent shall be obliged to discount it out of the first Rent that shall afterwards accrue from the Premises. *Provided always*, That where Effects cannot be found sufficient to answer the whole Sum in Arrear, with Charges as aforesaid, then Distress shall be made for so much as the Effects extend to, and the Party be imprisoned as aforesaid only for the Residue thereof, with incident Charges; all which Charges of Distress, Assistance and bringing to Prison, shall be adjusted and settled by any four or more of the said Wardens, when such Occasion shall happen.

Clerk to draw
Duplicates,
&c.

Collectors
may distrain,
&c.

Wardens to
adjust the
Charges.

XIX. *AND be it further enacted by the Authority aforesaid*, That the said Collector or Collectors shall, once in six Weeks at least, render a just and true Account of, and bring in and pay unto the Treasurer herein after directed to be appointed, all such Sums of Money as he or they shall have received, and shall pay the whole and every of the Sums of Money assessed in his or their respective Duplicates, within three Months next after the Day of Appeal (such Deficiencies as the said Wardens, or any four of them, shall allow, being first deducted) and the Treasurer shall give Receipts to the Collectors for what they shall so bring in and pay from Time to Time; which Receipts shall be the Collectors Discharge for so much. And the said Treasurer shall, from Time to Time, signify in Writing to the said Wardens how much every Collector brings in and pays as aforesaid. And when the said Collectors, or any of them, are negligent, or refuse to do their Duty in the Premises, the Treasurer is hereby required forthwith to signify the same, by Way of Complaint, to the Wardens aforesaid.

Collectors to
render Ac-
count, &c.

Treasurer
to give Re-
ceipts.

XX. *AND be it further enacted by the Authority aforesaid*, That if upon Complaint of the Treasurer to the Wardens, it shall appear that the said Collector or Collectors, having taken upon him or themselves the Duties enjoined him or them by this Act, shall refuse or neglect to pay the said Sums of Money which he or they shall be respectively charged to collect, within the Times limited by this Act, every such Collector, so refusing or neglecting, shall forfeit and pay to the Treasurer the Sum of *Five Pounds*, and shall also pay all the Arrearages of such Assessment, which he was appointed to collect, to be levied by a Warrant, under the Hands and Seals of the said Wardens, or any four of them, directed to the Sheriff of the City and County of *Philadelphia*, who is hereby authorized and empowered to execute such Warrant upon the Goods and Chattels of such Collector or Collectors; and in case Goods and Chattels sufficient cannot be found, then to imprison such Collector or Collectors until Payment

Penalty on
Collectors
neglecting,
&c.

made.

Collector being distrained, may distress. Collectors Allowance Penalty on Collectors refusing to serve.

made. And every Collector so distrained on, and having made full Satisfaction as aforesaid, is hereby impowered, without any further Warrant, to distrain for his own Use upon all such as shall neglect or refuse to pay him the Arrearages due. And the said Collector or Collectors shall, for his or their Trouble and Service by this Act required and enjoined, retain in his or their Hands *Six-pence per Pound*, for all Sums of Money by him or them respectively collected: And if the said Collector or Collectors shall refuse or neglect to take upon him or themselves the Trust and Duty required of him or them, he or they shall forfeit and pay to the Treasurer herein after appointed the Sum of *Five Pounds*, and the said Assessors shall appoint some other fit Person or Persons, in Place or Stead of the Collector or Collectors so refusing or neglecting as aforesaid.

Penalty on Wardens refusing to serve. New Appointment how to be made. Wardens to be paid *Five Shillings per Diem*.

XXI. *AND be it further enacted by the Authority aforesaid*, That if any of the said Wardens appointed by this Act, or those who shall be chosen to succeed them in the said Trust, shall refuse or neglect to take upon him or themselves the Services and Duties hereby required of him or them, he or they, so refusing or neglecting, shall pay to the Treasurer aforesaid *Ten Pounds*: Or if any of the said Wardens shall happen to die during the Time for which they are chosen, the other Wardens and Assessors for the Time being, or a Majority of them, shall in every such Case appoint one or more fit Person or Persons, in Place and Stead of the Warden or Wardens so refusing or dying. And the said Wardens, for the Services required and enjoined them by this Act, shall be paid by the Treasurer *Five Shillings* each, for every Day's Attendance on that particular Service, which shall be to the Wardens, for the Time being, in full Satisfaction for all the Attendance and Services required of them by this Act.

Wardens and Assessors to choose a Treasurer. His Duty.

XXII. *AND be it further enacted by the Authority aforesaid*, That the said Wardens and Assessors for the Time being, or the major Part of them, are hereby impowered and required, as often as there may be Occasion, during the Continuance of this Act, to choose a Treasurer; which Treasurer, when so chosen, is hereby impowered and required to receive all the Money arising as well from the said Assessments, as also the Fines and Forfeitures imposed by Virtue of this Act. And the said Treasurer shall keep a distinct and fair Account, in a Book to be provided by him for that Purpose, of all the Rates and Assessments, made or to be made as aforesaid, and also of all Monies by him so received, and also of all Disbursements and Payments he shall make by Orders from the Wardens, or any four of them, whose Orders to the said Treasurer, from Time to Time, shall be sufficient for the Payment of such Monies as shall come into his Hands.

Treasurer to give Bond, &c. And settle yearly. Accounts to be laid before the Mayor, &c. Treasurer's Allowance.

XXIII. *AND be it further enacted by the Authority aforesaid*, That the said Treasurer for the Time being, before he enters upon the Execution of his Office, is hereby required to give a Bond, with one or more sufficient Sureties, to the Wardens aforesaid, in the Penalty of *One Thousand Pounds*, lawful Money of this Province, with Condition for the Payment of all such Monies, which shall come to his Hands by Virtue of this Act, according to the Orders to him to be given as aforesaid from Time to Time, and not otherwise, and for the due Performance of his Duty in the Trust hereby committed to him. And the said Treasurer shall yearly bring in his Accounts, and settle the same with the Wardens and Assessors aforesaid, or a Majority of them; which said Accounts, so settled and adjusted, shall be laid before the Mayor, Recorder, Aldermen and Grand Jury of the said City, at the General Quarter Sessions of the Peace to be held for the said City in the Month of *October*, yearly, together with the Books, Receipts and Vouchers, if required; which said Accounts, Books, Receipts and Vouchers, being examined by the Mayor, Recorder, Aldermen and Grand Jury aforesaid, shall be delivered back safely, without Alteration, to the said Treasurer; and a true Copy of the said Accounts to be made out by the Treasurer, and delivered to the Court, shall be filed and kept among the Records of the said Court. And the said Treasurer shall be allowed for his Trouble in keeping such Accounts, and receiving and paying all such Money as shall come into his Hands by Virtue of this Act, so much as the Wardens shall think reasonable, not exceeding *Six-pence* in the *Pound*.

XXIV. *AND*

XXIV. *AND be it further enacted by the Authority aforesaid,* That if the said Treasurer shall refuse or neglect to do his Duty as by this Act is required, he shall be removed from his said Office by any four or more of the said Wardens; and in case of such Removal, or if the said Treasurer shall happen to die, the Wardens and Assessors, or the major Part of them, shall appoint another in his Place, who shall give Security as herein before directed. And the Treasurer so removed, or the Executors or Administrators of the said Treasurer so dying, shall deliver to the succeeding Treasurer all Books, public Accounts and Papers, belonging to the said Office, whole and entire, and undefaced; and shall likewise pay to the succeeding Treasurer all such Sum and Sums of Money as he may have received, or have been paid to him in Pursuance of this Act, under the Penalty of *One Hundred Pounds*, to be recovered in the Manner, and to the Uses herein after mentioned.

In case of Neglect or Death, a new one to be appointed, &c.

Penalty on Treasurer, &c.

XXV. *AND be it further enacted by the Authority aforesaid,* That all the Penalties, Fines and Forfeitures, to become due and payable by this Act, the Manner of levying and recovering of which is not before directed, if they do not exceed the Sum of *Five Pounds*, shall be recovered before one of the Justices of the Peace of and for the said City, and shall be levied by Warrant, under the Hand and Seal of such Justice, or of any other Justice of the Peace of and for the same City, to any Constable of the said City directed; who is hereby empowered and required to execute the same, by Distress and Sale of the Goods and Chattels of the Offender; and where Goods and Chattels sufficient cannot be found, then the Party or Parties offending shall be committed to the common Goal of the said City, there to remain until Payment made. And all such Penalties, Fines and Forfeitures, which do exceed the Sum of *Five Pounds*, the Manner of recovering and levying of which is not herein before directed, shall be recovered by Action of Debt, Bill or Plaint, in any County Court within this Province, wherein no Effoin, Protection or Wager of Law, to be allowed. All which Recoveries shall be had in the Name of and by the Treasurer aforesaid, for the Time being, to whom the Sums recovered shall be paid, to be by him applied towards defraying the Charges of the said Nightly Watch, and other Charges incident thereto, to be recovered with Costs of Suit.

Manner of levying Fines and Penalties.

Fines, &c. how to be applied.

XXVI. *PROVIDED always,* That if any Person or Persons be sued or prosecuted for any Thing done in Pursuance of this Act, he or they may plead the general Issue, and give this Act and special Matter in Evidence for their Justification; and if the Plaintiff or Prosecutor become Nonsuit, or forbear Prosecution, or suffer Discontinuance, or if a Verdict pass against him or them in such Action or Suit, the Defendant shall have treble Costs, to be recovered as in Cases where Costs by Law are given to Defendants.

Persons sued may give this Act in Evidence, &c.

XXVII. *AND be it likewise further enacted by the Authority aforesaid,* That if any bound Servant, Negroe or Mulattoe Slave, be convicted of wilfully and maliciously incurring any of the Fines and Penalties mentioned in this Act, he, she or they shall be whipped on the bare Back with Twenty-one Lashes, at the public Whipping-post, and kept on Bread and Water at hard Labour, in the public Work-house, three Days, unless the Master or Mistress of such bound Servant or Slave, or some other Person, shall pay the Fine or Penalty so incurred.

Punishment on Negroes, &c. transgressing this Act.

XXVIII. *PROVIDED always,* That no Person or Persons shall be sued or prosecuted for Neglect in the Execution of this Act, unless he or they be sued or prosecuted within twelve Months after such Offence committed.

Limitation of Prosecution.

XXIX. *AND be it further enacted by the Authority aforesaid,* That in case there shall be any Deficiency in any one Year's Rate or Assessment, so that the Expences, Costs and Charges, arising from the Execution and Performance of the Regulations, Acts, Matters and Things, by this Act directed and enjoined, cannot be fully paid and satisfied in that Year, then, and in such Case, the Deficiency so happening shall be paid out of the next succeeding Year's Rate and Assessment; and if there shall happen to be any Surplus Money collected by such Rates and Assessments in any one Year, such Surplus shall be carried on to the Credit of the Account of the next Year's Rate and Assessment, to be applied to such Use, and in such Manner, as the Rates and Assessments to be collected as aforesaid are directed by this Act to be laid out and applied.

Deficiency in one Year's Rate to be supplied by the next.

Surplus to be carried forward.

XXX. *AND*

Freeholders
not choosing
Wardens and
Assessors,
Mayor and
Commonalty
may appoint.

XXX. *AND be it further enacted by the Authority aforesaid*, That if the Freeholders and Inhabitants of the said City, at the next or any future General Election, to be held for the said City as aforesaid, shall neglect to choose the Wardens and Assessors aforesaid; or if the said Wardens and Assessors, when so chosen, shall neglect or refuse to lay the Rates and Assessments aforesaid, or to do and execute the other Services to be by them done and performed by Virtue of this Act, that then, and in every such Case, the Mayor and Commonalty of the said City for the Time being may and shall, until a succeeding Election, appoint Wardens or Assessors, or either of them, as the Occasion may require, to perform the several and respective Offices and Duties of the said Wardens and Assessors, as amply and largely as the said Wardens and Assessors, if chosen by the Freemen of the said City, might or ought to do by Virtue of this Act.

Acts of the
Wardens,
&c. since the
Expiration of
the former
Law, hereby
confirmed.

XXXI. *AND* whereas the Act of General Assembly, passed in the Thirtieth Year of his late Majesty's Reign, intituled, *An Act for regulating and continuing the Nightly Watch, enlightening the Streets, Lanes and Alleys of the City of Philadelphia, and for other Purposes therein mentioned*, has been for some Time expired, and the Wardens elected have, for the Security of the Persons and Estates of the Inhabitants of the said City, proceeded to act under the said Law, in the same Manner as if it had not been expired, and it is necessary that the Acts of the said Wardens should be confirmed, *Be it therefore enacted*, That all and every Act, Matter and Thing, done and performed by the said Wardens, or by others employed by them in regulating the Nightly Watch, enlightening the Streets, Lanes and Alleys of the said City, raising of Money on the Inhabitants, and in executing other the Purposes in the said Law mentioned, shall be and are hereby declared to be ratified and confirmed, and of the same Force, Validity and Effect, as if the said Law had been in full Force and Virtue.

This Act to
be deemed a
public Act.

XXXII. *AND be it further enacted by the Authority aforesaid*, That this Act shall be deemed and taken to be a public Act, and shall be judicially taken Notice of as such by all Judges and Justices, and other Persons whatsoever, without specially pleading the same.

Limitation.

XXXIII. *AND be it further enacted by the Authority aforesaid*, That this Act shall continue in Force for the Space of five Years, and from thence to the End of the next Sitting of Assembly, and no longer.

Passed March 9, 1771.

C A P. XX.

An ACT to enable *Peter Mierken*, Sugar-Refiner, to hold Lands, and to invest him with the Privileges of a natural born Subject of this Province.

Passed March 9, 1771.

C A P. XXI.

An ACT to repeal a Part of the Act, intituled, *An Act for the Preservation of Fish in the River Delaware, Susquehanna, and the Lehigh, commonly called The Western Branch of Delaware*.

Preamble.

WHEREAS in and by the Act of General Assembly, passed in the First Year of His present Majesty's Reign, intituled, *An Act for the Preservation of Fish in the Rivers Delaware, Susquehanna and Lehigh, commonly called The Western Branch of Delaware*, it is declared and enacted, that so much of the same Act as relates to the Wears, Racks, Baskets, Fishing-dams, Pounds and other Devices, erected or to be erected in the River *Delaware*, should be held and taken to be of no Force, until a Bill remedying the same Mischiefs and Inconveniencies, by that Act intended to be remedied, should be passed into a Law by the Legislature of the Province of *New-Jersey*, and be in full Force: And whereas, since the Passing of the said recited Act, the Legislature of the said Province of *New-Jersey* did pass into a Law a certain Bill, remedying the same Mischiefs and Inconveniencies, which has been for some Time expired by its own Limitation, whereby it is rendered expedient that so much of the first mentioned Act, as relates to the said Rivers *Delaware* and *Lehigh*, be also rendered invalid; BE IT THEREFORE ENACTED by the Honourable

JOHN

JOHN PENN, Esquire, Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all and every the Provisions, Regulations, Penalties, Acts, Matters and Things in the same Act contained, which relate to the Wears, Racks, Baskets, Fishing-dams, Pounds and other Devices, erected or to be erected in the said Rivers *Delaware* and *Lehigh*, shall be and are hereby declared to be repealed, null and void, to all Intents and Purposes.

Regulations,
&c. in a former Law, repealed.

Passed March 9, 1771.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1771, in the Eleventh Year of the Reign of our Sovereign Lord GEORGE III. and continued by Adjournments to the Nineteenth Day of *September* following.

C A P. I.

An ACT for preventing Tumults and riotous Assemblies, and for the more speedy and effectual punishing the Rioters.

Passed October 19, 1771.—Expired.

C A P. II.

An ACT for the Support of the Light-house, erected at the Mouth of the Bay of *Delaware*, and the Buoys placed in the said Bay, and the River *Delaware*, and for the Repayment of the Monies borrowed for erecting the said Light-house, and placing the said Buoys.

Passed October 19, 1771.—Repealed by 13 GEORGE III.

C A P. III.

An ACT to regulate the Assize of Bread, and for other Purposes therein mentioned.

WHEREAS the Mode heretofore used for regulating the Assize of Bread, Preamble. by the Prices at which Wheat is commonly sold, has been found, on Experience, to be unequal, as the Price of Wheat by no Means determines with Certainty the Price of Flour: To the Intent therefore that, from and after the Tenth Day of *April* next ensuing the Publication of this Act, a just, equal and constant Rule and Method may be duly observed and kept, in the making and assizing the several Sorts of Bread herein after mentioned, which shall be made for Sale in any Place or Places where such Assize shall be set, in Pursuance of this Act, BE IT ENACTED by the Honourable RICHARD PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That it shall and may be lawful for the Mayor or Recorder, and any two of the Aldermen of the City of *Philadelphia*, or for the Burgees or Burgeesses of any Borough, and two Justices of the Peace of the County, or for any three Justices of the Peace for any County within this Province, from and after the

Magistrates and Justices to ascertain the Assize of Bread.

faid Tenth Day of *April*, as often as there may be Occasion, to fet, ascertain and appoint, in any Place or Places within their respective Jurifdictions, the Affize and Weight of the feveral Sorts of Bread following, which fhall in any fuch Place or Places be made for Sale, fold or expofed to Sale, and the Price to be paid for the fame; and that in every Affize of Bread which fhall be fo fet, in Purfuance of this Act, due Regard fhall be had, from Time to Time, to the Market Price which Flour, whereof fuch Bread fhall be made, fhall be fold at in the Cities, Towns or Places, in or near the Place where fuch Affize fhall be fo fet; and that the faid Affize fhall be fet and afcertained according to the Table following, in Avoirdupois Weight, of Sixteen Ounces to the Pound.

Weight of
the Four-
penny Loaf.

The Price of fine Flour, Middlings, and Rye Flour, by the Cwt. refpec- tively.				A Four-penny Loaf to weigh,				The Price of fine Flour, Middlings, and Rye Flour, by the Cwt. refpec- tively.				A Four-penny Loaf to weigh,				The Price of fine Flour, Middlings, and Rye Flour, by the Cwt. refpec- tively.				A Four-penny Loaf to weigh.			
s.	d.	lb.	oz.	s.	d.	lb.	oz.	s.	d.	lb.	oz.	s.	d.	lb.	oz.	s.	d.	lb.	oz.	s.	d.	lb.	oz.
7	0	3	5 ¹ / ₄	12	0	2	8	17	9	1	14 ¹ / ₂	7	0	3	5 ¹ / ₄	12	0	2	8	17	9	1	14 ¹ / ₂
7	6	3	3 ¹ / ₂	12	6	2	7	18	6	1	13 ¹ / ₂	7	6	3	3 ¹ / ₂	12	6	2	7	18	6	1	13 ¹ / ₂
8	0	3	2	13	0	2	6	19	3	1	13	8	0	3	2	13	0	2	6	19	3	1	13
8	6	3	1 ¹ / ₂	13	6	2	5	20	0	1	12 ¹ / ₂	8	6	3	1 ¹ / ₂	13	6	2	5	20	0	1	12 ¹ / ₂
9	0	2	15	14	0	2	4	20	9	1	11 ¹ / ₂	9	0	2	14	14	0	2	4	20	9	1	11 ¹ / ₂
9	6	2	14	14	6	2	3	21	6	1	10 ¹ / ₂	9	6	2	14	14	6	2	3	21	6	1	10 ¹ / ₂
10	0	2	12 ¹ / ₂	15	0	2	2 ¹ / ₂	22	3	1	10	10	0	2	12 ¹ / ₂	15	0	2	2 ¹ / ₂	22	3	1	10
10	6	2	11	15	6	2	1 ¹ / ₂	23	0	1	9 ¹ / ₂	10	6	2	11	15	6	2	1 ¹ / ₂	23	0	1	9 ¹ / ₂
11	0	2	10	16	3	2	0 ¹ / ₂	24	0	1	8 ¹ / ₂	11	0	2	10	16	3	2	0 ¹ / ₂	24	0	1	8 ¹ / ₂
11	6	2	9	17	0	1	15 ¹ / ₂	25	0	1	7 ¹ / ₂	11	6	2	9	17	0	1	15 ¹ / ₂	25	0	1	7 ¹ / ₂

And fo in Proportion for Loaves of a larger or smaller Size.

II. A N D, in order to enable the faid Magiftrates and Juftices within their refpective Jurifdictions to fet the Affize of Bread with Juftice and Equity, *Be it further enacted by the Authority aforefaid*, That the refpective Prices which the feveral Kinds of Flour, fit to make the faid different Sorts of Bread allowed to be made by this Act, fhall commonly and generally, from Time to Time, *bona Fide*, fell for in the faid City of *Philadelphia*, and other Places aforefaid, and not at particular Times, or on particular Contracts only, fhall once in every Month, or oftener if neceffary, as the faid Magiftrates or Juftices refpectively fhall appoint, be given and delivered in Writing, on Oath or Affirmation, to the faid Magiftrates or Juftices by the Clerk of the Market, or fuch other Perfon or Perfons, in the Places aforefaid, as the faid Magiftrates and Juftices refpectively fhall order and appoint, and within two Days next after fuch Return of the Prices aforefaid fhall be given in as aforefaid, the Affize, Weight and Price of all Kinds of Bread to be made for Sale, fold or expofed to Sale, fhall, from Time to Time, be fet by the Magiftrates and Juftices aforefaid, within their refpective Jurifdic-tions; and that after the fixing and fetting fuch Affize, the fame fhall with all convenient Speed be made public, in fuch Manner as the faid Magiftrates and Juftices fhall think proper, and fhall be in Force until a new Affize fhall be fixed and fet; but before any Advance or Reduction fhall be made in the Weight of Bread in any of the Places aforefaid, the faid Clerk of the Market, or other Perfon, appointed as aforefaid to give in the Prices of Flour, fhall deliver Copies of fuch Return to two of the Bakers refiding within the Place for which the fame fhall be made, with Notice thereunder written of the Time and Place of fetting the next Affize, to the End that the Bakers of fuch Place may have, from Time to Time, an Opportunity to offer to fuch Magiftrates or Juftices their Objections, if any they have, againft any Advance being at that Time made in the Weight of Bread.

III. A N D *be it further enacted by the Authority aforefaid*, That after any Affize of Bread fhall be fet in Purfuance of this Act, no Alteration fhall be made therein, either to raife the fame higher, or to fink the fame lower, unlefs the Price of Flour fhall be returned, as having rofe *Six-pence per Hundred Weight* more than the laft Return made, or having fallen *Six-pence per Hundred Weight* lower than the faid laft Return.

IV. A N D

IV. *AND be it further enacted by the Authority aforesaid*, That every Person and Persons, who shall make any Loaf Bread of Wheat Flour for Sale, in any of the Places aforesaid, shall mark all the Bread he shall bake with his Name, and with the following Letters, to distinguish the several Sorts; that is to say, the fine white Bread with F, and middling Bread with M; which several Sorts of Bread shall be made in the Manner following, the fine white Bread of the best fine white Flour, and the middling Bread of good Middlings, and the Loaves of such Bread shall be, a Penny Loaf or Roll, a Two-penny, a Four-penny, an Eight-penny, and a Twelve-penny Loaf, and no other.

V. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons whatsoever shall, after the said Tenth Day of April, make for Sale, sell or expose to Sale, any of the several Sorts of Bread aforesaid, within the Places aforesaid, which shall not be sufficiently baked, or marked with the Mark, and of the Weight and Fineness directed by this Act, every such Person or Persons, offending in the Premises, shall forfeit all such Bread so deficient in Weight or Fineness, and not marked as aforesaid; and that it shall and may be lawful to and for the Clerks of the respective Markets, in any of the Places aforesaid, if such there be, with any two reputable Freeholders, to be appointed by the Mayor or Chief Burgefs of any City or Corporate Town, and by any Justice residing in any Town not Corporate, and in such Places aforesaid, where there shall be no such Clerk, to and for such Person or Persons as the said Justices respectively shall appoint, and they are hereby authorised and required (without any further or other Warrant, with or without a Constable) to enter into all Houses or other Places, where they shall be informed or suspect there is any Bread baked for Sale, at least twice in every Month, to examine and weigh all such Bread, and to seize all such as they shall find deficient in Weight or Fineness, and not baked and marked as aforesaid; and if any Baker, or other Person, shall refuse to suffer the said Clerks and Freeholders, or other Persons appointed as aforesaid, to enter into his House, or other suspected Place, to examine and weigh his Bread, he shall forfeit and pay the Sum of *Five Pounds* for every such Offence, to be recovered before any Magistrate or Justice of the Peace for the said City, Boroughs or Counties respectively, as Debts not exceeding *Five Pounds* are by Law directed to be recovered; of all which Forfeitures and Penalties the said Clerk of the Market, or other Person appointed as aforesaid, shall have one Third Part for his Trouble, and shall deliver the other two Thirds to the Overseers of the Poor of the City, Borough, Township or Place, where such Bread shall be seized, or Penalty incurred, for the Use of the Poor thereof.

VI. *AND be it further enacted by the Authority aforesaid*, That if any Baker shall conceive himself aggrieved by the Seizure of Bread as aforesaid, he may appeal to any Magistrate or Justice aforesaid respectively, who shall hear and finally determine thereon; and if it shall appear to the said Magistrate or Justice that the said Bread was justly seized, the Baker thereof shall pay the Sum of *Ten Shillings*, to the Use of the Poor of the City, Borough or Township, where the said Bread was seized, with reasonable Charges; but in case the said Bread, upon Trial, shall be found of due Weight and Fineness, and marked and baked as this Act directs, it shall be returned to the Baker, and the Charges shall be paid by the Officer or Person seizing the same; and if any Person purchasing Bread shall find it deficient in any of the Particulars before mentioned, he or she may make Complaint thereof, within one Day after the said Bread shall be so purchased, to any Magistrate or Justice aforesaid, who is hereby authorised and required to hear and examine such Complaint; and if the said Bread shall be deficient in any of the said Particulars, the Baker thereof shall be adjudged to pay *Five Shillings* for every such Offence, and be thereupon committed to the common Goal, without Bail or Main-prize, until he pay the same; which Penalty, when received by the said Justice, shall be delivered to the Overseers of the Poor aforesaid, for the Use of the Poor.

VII. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall adulterate or mix any improper or unwholesome Ingredient in any Kind of Flour, of which Bread shall be made for Sale, in any of the Places where the Assize of Bread shall be set as aforesaid, every such Person or Persons,

Baker's Name to be on his Bread, with the Letters F or M.

Clerks of the Market, &c. to weigh the Bread, and seize it, if deficient in Weight, &c.

Penalty on the Baker's refusing to suffer his Bread to be weighed, &c.

Baker, if aggrieved by Seizure, to appeal to a Magistrate, &c.

Penalty on Persons adulterating their Flour.

Persons, being thereof legally convicted before any Magistrate or Justice for the City or County where such Bread shall be so made, sold or exposed to Sale, who is hereby authorised and impowered to hear, try and determine the same, shall forfeit and pay the Sum of *Five Pounds* for every such Offence.

Clerk of the
Market to
weigh Butter,
deficient in
Weight, &c.

VIII. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for the Clerk of the Market of any City, Borough or Town, within this Province, to weigh all Butter brought into the same to be sold by Weight, which, if found deficient, the said Clerk shall forthwith, in the Presence of two reputable Freeholders, weigh again, and if it appear to the said Freeholders that the said Butter is under Weight, the same shall be seizable; one Third Part thereof for the Use of the said Clerk, and the other two Thirds for the Use of the Poor of the Place where seized; and in case any Owner or Owners of Butter so seized shall conceive him, her or themselves aggrieved by such Seizure, he, she or they may appeal to any Magistrate or Justice aforesaid of the City, Borough or Place, where such Seizure is made, who shall hear, try and determine the same.

Clerks of
Markets, &c.
to take an
Oath or Af-
firmation.

IX. *AND be it further enacted by the Authority aforesaid*, That the Clerks of the several Markets within this Province now in Office shall, on or before the Tenth Day of *April* next ensuing the Publication of this Act, and all such Clerks as shall hereafter be appointed, before they shall enter upon the Execution of their Offices, take the following Oath or Affirmation, before some Magistrate or Justice of the City, Borough or County, wherein they shall reside, *viz. That he will well and truly, to the best of his Skill and Judgment, do and perform all Things enjoined and required of him, as Clerk of the Market, by the Laws of this Province.* And that the Person or Persons to be appointed, from Time to Time, in Virtue of this Act, to search for and seize Bread, made contrary to the Regulations herein before mentioned, shall in like Manner take the following Oath or Affirmation: *That they will, to the best of their Skill and Judgment, do and perform all and singular the Matters and Things, enjoined and required of them by this Act.*

Act W. III.
relating to
Affize of
Bread, re-
pealed.

X. *AND be it further enacted by the Authority aforesaid*, That the Act of General Assembly, passed in the Twelfth Year of the Reign of WILLIAM the Third, intituled, *An Act for the Affize of Bread*, shall be, and is hereby repealed, and made null and void.

Limitation.

XI. *AND be it further enacted by the Authority aforesaid*, That this Act shall continue and be in Force, from the Publication thereof, for and during the Term of Three Years, and from thence to the End of the next Session of Assembly, and no longer.

Passed March 21, 1772.

C A P. IV.

An A C T for rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others, acting in Obedience to their Warrants.

Preamble.

WHEREAS Justices of the Peace may be discouraged in the Execution of their Office, by vexatious Actions brought against them, for or by Reason of small and involuntary Errors in their Proceedings: And whereas it is necessary that they should be (as far as is consistent with Justice, and the Safety and Liberty of the Subjects over whom their Authority extends) rendered safe in the Execution of the said Office and Trust: And whereas it is also necessary, that the Subject should be protected from all wilful and oppressive Abuse of the several Laws, committed to the Care and Execution of the said Justices of the Peace: BE IT THEREFORE ENACTED by the Honourable RICHARD PENN, Esquire, Lieutenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That from and after the Publication of this Act no Writ shall be sued out against, nor any Copy of any Process, at the Suit of a Subject, shall be served on, any Justice of the Peace, for any Thing by him done in the Execution

of

of his Office, until Notice, in Writing, of such intended Writ or Process shall have been delivered to him, or left at the usual Place of his Abode, by the Party, his Attorney or Agent, who intends to sue, or cause the same to be sued out or served, at least Thirty Days before the suing out or serving the same; in which Notice shall be clearly and explicitly contained the Cause of Action, which the said Party hath, or claimeth to have, against such Justice of the Peace; on the Back of which Notice shall be indorsed the Name of such Attorney or Agent, together with the Place of his Abode, who shall be intitled to the Fee of *Twenty Shillings* for the preparing and serving such Notice, and no more.

No Writ or Process to be served on any Justice, for any Thing done in the Execution of his Office, until Notice be given in Writing, &c.

II. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for such Justice of the Peace, at any Time within Thirty Days after such Notice given as aforesaid, to tender Amends to the Party complaining, or his or her Agent or Attorney, and in case the same is not accepted, to plead such Tender in Bar to any Action to be brought against him, grounded on such Writ or Process, together with the Plea of Not Guilty, and any other Plea, with Leave of the Court; and if, upon Issue joined thereon, the Jury shall find the Amends so tendered to have been sufficient, then they shall give a Verdict for the Defendant; and in such Case, or in case the Plaintiff shall become Non-suit, or shall discontinue his or her Action, or in case Judgment shall be given for such Defendant or Defendants, upon Demurrer, such Justice shall be intitled to the like Costs as he would have been intitled unto, in case he had pleaded the General Issue only; and if, upon Issue so joined, the Jury shall find that no Amends were tendered, or that the same were insufficient, and also against the Defendant or Defendants on such other Plea or Pleas, then they shall give a Verdict for the Plaintiff, and such Damages as they shall think proper, which he or she shall recover, together with his or her Costs of Suit.

Justice may tender Amends to the Party complaining, within 30 Days after Notice, &c.

III. *AND be it further enacted by the Authority aforesaid*, That no such Plaintiff shall recover any Verdict against such Justice, in any Case where the Action shall be grounded on any Act of the Defendant, as Justice of the Peace, unless it is proved, upon the Trial of such Action, that such Notice was given as aforesaid; but in Default thereof, such Justice shall recover a Verdict and Costs as aforesaid.

No Plaintiff to recover a Verdict, unless Notice was given, &c.

IV. *AND be it further enacted by the Authority aforesaid*, That in case such Justice shall neglect to tender any Amends, or shall have tendered insufficient Amends, before the Action brought, it shall and may be lawful for him, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall see fit; whereupon such Proceedings, Orders and Judgments, shall be had, made and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Justice neglecting to tender Amends before the Action, may pay into Court, &c.

V. *AND be it further enacted by the Authority aforesaid*, That no Evidence shall be permitted to be given by the Plaintiff, on the Trial of any such Action as aforesaid, of any Cause of Action, except such as is contained in the Notice hereby directed to be given.

VI. *AND be it further enacted by the Authority aforesaid*, That, from and after the Publication hereof, no Action shall be brought against any Constable or Officer, or any Person or Persons acting by his or their Order, and in his Aid, for any Thing done in Obedience to any Warrant, under the Hand and Seal of any Justice of the Peace, until Demand hath been made, or left at the usual Place of his Abode, by the Party or Parties intending to bring such Action, or by his, her or their Attorney or Agent, in Writing, signed by the Party demanding the same, of the Perusal and Copy of such Warrant, duly certified under his Hand, and the same hath been neglected or refused for the Space of Six Days after such Demand; and in case, after such Demand and Compliance therewith, by shewing the said Warrant, and giving a Copy thereof, certified as aforesaid, to the Party demanding the same, any Action shall be brought against such Constable, or other Person or Persons acting in his Aid, for any such Cause as aforesaid, without making such Justice or Justices, who signed or sealed the said Warrant, Defendant or Defendants, that on producing and proving such Warrant at the Trial of such Action, the Jury shall give their Verdict for the Defendant or Defendants,

No Action to be brought against any Constable, &c. until Demand hath been made of the Perusal and Copy of the Warrant, &c.

ants, notwithstanding any Defect or Defects of Jurisdiction in such Justice or Justices; and if such Action be brought jointly against such Justice or Justices, and also against such Constable or other Officer, or Person or Persons acting in his or their Aid as aforesaid, then, on Proof of such Warrant, the Jury shall find for such Constable or other Officer, and Person or Persons so acting as aforesaid, notwithstanding such Defect of Jurisdiction as aforesaid; and if the Verdict shall be given against the Justice or Justices, that in such Case the Plaintiff or Plaintiffs shall recover his, her or their Costs against him or them, to be taxed in such Manner, by the proper Officer, as to include such Costs as such Plaintiff or Plaintiffs are liable to pay to such Defendant or Defendants, for whom such Verdict shall be found as aforesaid. *Provided always*, That where the Plaintiff, in any such Action against any Justice of the Peace, shall obtain a Verdict, in case the Justices before whom the Cause shall be tried shall, in open Court, certify on the Back of the Record, that the Injury for which such Action was brought was wilfully and maliciously committed, the Plaintiff shall be intitled to have and receive double Costs of Suit.

Limitation
of Action.

VII. *PROVIDED always, and be it further enacted by the Authority aforesaid*, That no Action shall be brought against any Justice of the Peace, for any Thing done in the Execution of his Office, or against any Constable or other Officer, or Person or Persons acting as aforesaid, unless commenced within Six Months after the Act committed.

Passed March 21, 1772.

C A P. V.

An ACT for the Relief of *Richard Stephens*, with respect to the Imprisonment of his Person.

Passed March 21, 1772.—Private Act.

C A P. VI.

An ACT for erecting a Part of the Counties of *Lancaster, Cumberland, Berks, Northampton and Bedford*, into a separate County.

Preamble.

WHEREAS a great Number of the Inhabitants of the Counties of *Berks and Bedford* have represented to the Assembly of this Province the great Hardships they lie under, from being so remote from the present Seat of Judicature and the Public Offices: For remedying whereof, BE IT ENACTED by the Honourable *RICHARD PENN*, Esq; Lieutenant-Governor, under the Honourable *THOMAS PENN*, and *JOHN PENN*, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all and singular the

Boundaries of
the County.

Lands lying and being within the Boundaries following, that is to say, Beginning at the Mouth of *Mahontongo Creek*, on the West Side of the River *Susquehanna*; thence up the South Side of said Creek, by the several Courses thereof, to the Head at *Robert Meteer's Spring*; thence West by North to the Top of *Tussey's Mountair*; thence South-westerly, along the Summit of the Mountain, to *Little Juniata*; thence up the North-easterly Side of the Main Branch of *Little Juniata*, to the Head thereof; thence North to the Line of *Berks County*; thence North-west, along the said Line, to the Extremity of the Province; thence East, along the North Boundary, to that Part thereof, which is due North from the most Northern Part of the *Great Swamp*; thence South to the most Northern Part of the Swamp aforesaid; thence with a straight Line to the Head of the *Lehigh*, or *Middle Creek*; thence down the said Creek so far, that a Line run West-south-west will strike the Forks of *Mahontongo Creek* where *Pine Creek* falls into the same, at the Place called the *Spread Eagle*, on the East Side of *Susquehanna*; thence down the Southerly Side of said Creek to the River aforesaid; thence down and across the River to the Place of Beginning; shall be, and the same is hereby erected into a County, henceforth to be called *NORTHUMBERLAND*.

Its Name.

II. AND

II. *AND be it further enacted by the Authority aforesaid*, That the Inhabitants of the said County of *Northumberland* shall, at all Times hereafter, have and enjoy all and singular the Jurisdictions, Powers, Rights, Liberties and Privileges whatsoever, which the Inhabitants of any other County, within the said Province, do, may or ought to enjoy, by any Charter of Privileges, or the Laws of this Province, or by any other Ways and Means whatsoever, excepting only in the Number of Representatives to serve in General Assembly of this Province; in which Case it is *Provided, and further enacted by the Authority aforesaid*, That the Freeholders and Inhabitants of each Township within the said County, qualified by the Laws of this Province to elect, shall meet at some convenient Place within their respective Townships, at the same Time the Freeholders and Inhabitants of the several Townships of the other Counties shall meet for like Purpose, and proceed to choose Inspectors; and that the Freemen and Inhabitants of the said County, qualified as aforesaid, shall meet at or near *Fort-Augusta*, at the same Time the Inhabitants of the other Counties shall meet for the like Purpose, and proceed to elect one Representative or Delegate, to serve them in Assembly, in the same Manner, and under the same Rules, Regulations and Penalties, as by the Charter and Laws of this Province are directed in respect to other Counties; which said Representative, when so chosen, shall be a Member of the General Assembly of the Province of *Pennsylvania*, and shall sit and act as such, as fully and freely as any of the Representatives for the other Counties, within this Province, do, may, can or ought to do.

Privileges granted to it.

Freeholders to meet and choose Inspectors.

One Representative to be elected.

III. *AND be it further enacted by the Authority aforesaid*, That all Taxes already laid within the Bounds of the said County of *Northumberland*, by Virtue of any Act of General Assembly of this Province, which are not already paid, shall be collected by the respective Collectors within the Bounds aforesaid, and paid into the Hands of the Treasurers of the Counties of *Lancaster*, *Cumberland*, *Berks*, *Northampton* and *Bedford*, respectively; and that all Persons concerned in the levying, receiving and paying the said Taxes, shall have the same Power and Authority, and be under the same Penalties and Restrictions, for collecting and paying the same, as by the said Acts, by which the said Taxes were assessed, are expressed and directed, until the whole be collected and paid as aforesaid.

Taxes already laid in the County of *Northumberland*, to be paid the Treasurers of *Lancaster*, *Cumberland*, *Berks*, *Northampton* and *Bedford* Counties.

IV. *AND be it further enacted by the Authority aforesaid*, That the Justices of the Supream Court of this Province shall have like Powers, Jurisdictions and Authorities, within the said County of *Northumberland*, as by Law they are vested with and intitled to in the other Counties within the Province aforesaid; and are hereby authorized and impowered, from Time to Time, to deliver the Goals of the said County of capital or other Offenders, in like Manner as they are authorized to do in other the Counties aforesaid.

Justices of the Supream Court to have like Powers, &c.

V. *AND be it further enacted by the Authority aforesaid*, That there shall be a competent Number of Justices nominated and authorized by the Governor for the Time being, by Commissions under the Broad Seal of the Province; which said Justices, or any three of them, shall and may hold Courts of General Quarter Sessions of the Peace and Goal Delivery, and County Courts for holding of Pleas; and shall have all and singular the Powers, Rights, Jurisdictions and Authorities, to all Intents and Purposes, as other the Justices of the Courts of General Quarter Sessions, and Justices of the County Courts for holding of Pleas, in the other Counties aforesaid, may, can or ought to have in their respective Counties; which said Courts shall, from and after the Publication of this Act, sit and be held for the said County of *Northumberland*, on the Fourth *Tuesday* in the Months of *May*, *August*, *November* and *February*, in every Year, at *Fort-Augusta*, until a Court-house shall be built; and when the same is built and erected in the County aforesaid, the said several Courts shall then be holden and kept at the said Court-house on the Days before mentioned. And the Election of a Representative to serve in General Assembly, Assessors, and all other Officers of the said County, who are or shall be appointed to be annually elected, shall be made and elected at or near the said Court-house, at the same Time, and in the same Manner, as by the Charter of Privileges, and the Laws of the Province aforesaid, are directed to be done in the other Counties within this Province. And it shall be lawful for the Freemen of the said County, for the first Year, to choose three Commissioners for raising County Rates and Levies for the said County.

Courts of Quarter Sessions to be held.

Time of holding Courts.

Time and Place of Elections.

VI. *AND*

Trustees for
building a
Court-house
and Prison.

VI. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for *William Maclay, Samuel Hunter, John Loudon, Joseph Wallis, and Robert Moody*, or any three of them, to purchase and take Assurance to them and their Heirs of a Piece of Land, situate in some convenient Place in the said County, to be approved of by the Governor, in Trust, and for the Use of the Inhabitants of the said County, and thereupon to erect and build a Court-house and Prison, sufficient to accommodate the public Service of the said County, and for the Ease and Convenience of the Inhabitants.

Money to be
raised for
those Pur-
poses.

VII. *AND be it further enacted by the Authority aforesaid*, That for the defraying the Charges of purchasing the Land, building and erecting the Court-house and Prison aforesaid, it shall and may be lawful to and for the Commissioners and Assessors of the said County, or a Majority of them, to assess and levy, and they are hereby required to assess and levy, in the Manner directed by the Act for raising County Rates and Levies, so much Money as the said Trustees, or any three of them, shall judge necessary for purchasing the Land, and finishing the said Court-house and Prison. *Provided always*, The Sum of Money, so to be raised, does not exceed *One Thousand Pounds*, current Money of this Province.

Suits now
depending
not to be
stayed, &c.

VIII. *PROVIDED also, and be it further enacted by the Authority aforesaid*, That no Action or Suit, now commenced or depending in the Counties of *Lancaster, Cumberland, Berks, Northampton and Bedford*, respectively, against any Person living within the Bounds of the said County of *Northumberland*, or elsewhere, shall be stayed or discontinued by this Act, or by any Thing herein contained, but that the same Actions, already commenced or depending, may be prosecuted, and Judgment thereupon rendered, as if this Act had not been made. And that it shall and may be lawful for the Justices of the said Counties respectively to issue any judicial Process, to be directed to the Sheriffs of the Counties aforesaid respectively, for carrying on and obtaining the Effects of their Suits; which Sheriffs shall be, and are hereby obliged to yield Obedience in executing the said Writs, and make due Return thereof before the Justices of the Courts of the said Counties respectively, as if the Parties lived and resided within the same.

Collector of
Excise ap-
pointed.

IX. *AND be it further enacted by the Authority aforesaid*, That *Thomas Lemon*, of the said County of *Northumberland*, be, and is hereby appointed, Collector of the Excise of the said County of *Northumberland*, who is hereby authorized and empowered, by himself or his sufficient Deputy, duly constituted, and for whom he shall be accountable, to demand, collect, receive and recover the Excise, appointed to be paid by any Act or Acts of Assembly of this Province, and also the Arrearages thereof, of and from all and every Person and Persons, within the said County, retailing or vending any of the Liquors by the said Acts liable to pay the same; and also to recover and receive all and every the Duties, Fines and Forfeitures, laid or imposed, or that shall happen to arise or become due, for any Thing done contrary to the Intent of the said Acts.

Collectors of
Lancaster,
Cumberland,
Berks, North-
ampton and
Bedford, to
give Lists.

X. *AND be it further enacted by the Authority aforesaid*, That the said Collector of Excise for the County of *Northumberland* aforesaid, the better to enable himself to recover the Arrearages of Excise now due, or which shall become due before the Publication of this Act, shall apply to the Collectors of Excise for the Counties of *Lancaster, Cumberland, Berks, Northampton and Bedford*, for Lists, which the said Collectors of the same Counties respectively are hereby enjoined and required to deliver, containing the Names of each and every Person in Arrear for Excise, within the said Counties respectively, and how much from each of them.

Collector to
give Bond.

XI. *AND be it further enacted by the Authority aforesaid*, That the Collector of the County of *Northumberland* aforesaid, before he enters upon the Execution of his said Office, is hereby required to give Bond, with two sufficient Sureties, to the Treasurer of this Province for the Time being, in the Sum of *Two Hundred Pounds*, lawful Money of the Province aforesaid, for the faithful Discharge of his Duty, and paying all such Sums of Money as he shall, from Time to Time, receive by Virtue of this Act. And further, the Collector of the said County of *Northumberland* shall, in all Things, govern himself,

His Duty,

and

and be subject to the same Regulations, Restrictions, Fines and Forfeitures, and shall observe like Rules, Orders and Directions, as the Collectors of other the Counties aforesaid, by the Laws of this Province, are liable to. And the said Collector, for the Discharge of the Duty of the said Office, within the said County of *Northumberland*, shall have and receive like Fees, Perquisites and Rewards for his Services enjoined by this Act, as other the Collectors aforesaid (the Collectors of *Philadelphia* County aforesaid excepted) by the Acts aforesaid, are intitled unto for the Services enjoined them by the Acts aforesaid.

XII. *AND be it further enacted by the Authority aforesaid*, That until a Sheriff and Coroner shall be chosen in the County of *Northumberland*, in Pursuance of this Act, it shall and may be lawful for the Sheriff and Coroner of *Berks* to officiate and act in the Discharge of their respective Duties, as fully and amply as they may or can do in their County of *Berks*, one of whom, or his Deputy, shall attend and discharge the Duty of his Office, according to the Laws of this Province, at the next Election for *Berks* County aforesaid, and the other of them, or his Deputy, shall attend and discharge the Duty of his Office, in like Manner, at the first Election next to be held in the County of *Northumberland* aforesaid, in Pursuance of the Directions of this Act.

XIII. *AND be it further enacted by the Authority aforesaid*, That before any Sheriff, hereafter to be appointed or commissioned for the said County of *Northumberland*, shall enter upon the Duties of his Office, he shall become bound in an Obligation, with two or more sufficient Sureties, to be approved of by the Governor of this Province for the Time being, in the Sum of *One Thousand Pounds*, and with like Condition as the Sheriffs of the other Counties within this Province are enjoined and required to become bound; which said Obligation shall be taken in the King's Name, and entered upon Record in the Office for recording of Deeds in the said County of *Northumberland*, and shall be only in Trust to and for the Use and Benefit of the Person or Persons who shall be injured by any Breach, Neglect or Omission of Duty in such Sheriff, and shall be proceeded on in the same Manner as is directed in respect to Sheriffs Bonds, in and by the Act of General Assembly, intituled, *An Act for the regulating Elections for Sheriffs and Coroners*; and that the Treasurer, hereafter to be appointed for said County, for receiving the Provincial Taxes, before he shall enter on the Duties of his Office, shall give Security, in like Manner as other County Treasurers for that Purpose are by Law directed to give Security, in the Sum of *Fifteen Hundred Pounds*; and that the Treasurer for said County, for receiving the County Levies, shall in like Manner give Security in the Sum of *Six Hundred Pounds*.

XIV. *AND to the End the Boundaries of the said County of Northumberland may be the better ascertained and known*, *Be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for *Joshua Elder, James Potter, Jesse Lukens, and William Scull*, or any two of them, and they are hereby required, and firmly enjoined, within the Space of Six Months next after the Publication of this Act, to assemble themselves together, and run, mark out and distinguish the Boundary Lines between the said Counties of *Lancaster, Cumberland, Berks, Northampton, Bedford and Northumberland*, or so much thereof as they, or a Majority of them, shall judge convenient and necessary; and the Charges to arise for the doing thereof shall be defrayed by the said County of *Northumberland*, and to that End levied and raised by the Inhabitants thereof, in such Manner as other public Money, for the Use of the said County, by Law ought to be raised and levied.

Passed March 21, 1772.

C A P. VII.

An ACT for the Sale of Goods distrained for Rent, and to secure such Goods to the Persons distraining the same, for the better Security of Rents, and for other Purposes therein mentioned.

WHEREAS the most ordinary and ready Way for Recovery of Arrears of Rent is by Distress, and no Provision hath yet been made by the Laws of this Province, that such Distresses may be sold, and by the Common Law

Manner of
proceeding
with Goods,
&c. distrain-
ed for Rent,
&c.

the same may be only detained, as Pledges for enforcing the Payment of such Rent, and the Persons distraining have little Benefit thereby: For the Remedy-
ing whereof, BE IT ENACTED by the Honourable RICHARD PENN, Esq;
Lieutenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN,
Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and
with the Advice and Consent of the Representatives of the Freemen of the said
Province, in General Assembly met, and by the Authority of the same, That
from and after the Publication of this Act, where any Goods or Chattels shall be
distrained for any Rent reserved and due, upon any Demise, Lease or Contract
whatsoever, and the Tenant or Owner of the Goods so distrained shall not,
within Five Days next after such Distress taken, and Notice thereof, with the
Cause of such Taking, left at the Mansion-house, or other most notorious Place
on the Premises charged with the Rent distrained for, replevy the same, with suf-
ficient Security to be given to the Sheriff, according to Law, that then, and in
such Case, after such Distress and Notice as aforesaid, and Expiration of the said
Five Days, the Person distraining shall and may, with the Sheriff, Under-sheriff,
or any Constable in the City or County where such Distress shall be taken (who
are hereby required to be aiding and assisting therein) cause the Goods and Chat-
tels so distrained to be appraised by two reputable Freeholders, who shall have
and receive for their Trouble the Sum of *Two Shillings per Diem* each, and shall
first take the following Oath or Affirmation. *I, A. B. will well and truly, ac-
cording to the best of my Understanding, appraise the Goods and Chattels of C. D.
distrained on for Rent by E. F.* Which Oath or Affirmation such Sheriff, Under-
sheriff or Constable, are hereby impowered and required to administer; and after
such Appraisement shall or may, after Six Days public Notice, lawfully sell the
Goods and Chattels so distrained for the best Price that can be gotten for the
same, for and towards Satisfaction of the Rent for which the said Goods and
Chattels shall be distrained, and of the Charges of such Distress, Appraisement
and Sale, leaving the Overplus, if any, in the Hands of the said Sheriff, Under-
sheriff or Constable, for the Owner's Use.

Penalty on
any Pound-
breach or
Rescous of
Goods, &c.
distrained.

II. *AND be it further enacted by the Authority aforesaid*, That upon any
Pound-breach or Rescous of Goods or Chattels distrained for Rent, the Person or
Persons grieved thereby shall, in a special Action upon the Case for the Wrong
thereby sustained, recover his, her or their treble Damages, and Costs of Suit,
against the Offender or Offenders in such Rescous or Pound-breach, any or either
of them; or against the Owner or Owners of the Goods distrained, in case the
same be afterwards found to have come to his or their Use or Possession.

Penalty on
Persons di-
straining, &c.
when no Rent
in Arrear.

III. *PROVIDED always, and be it further enacted*, That in case any Di-
stress and Sale shall be made by Virtue of this Act, for Rent pretended to be in
Arrear and due, when in Truth no Rent shall appear to be in Arrear or due to
the Person or Persons distraining, or to him or them in whose Name or Names,
or Right, such Distress shall be taken as aforesaid, that then the Owner of such
Goods and Chattels distrained and sold as aforesaid, his Executors or Administra-
tors, shall and may, by Action of Trespass, or upon the Case, to be brought
against the Person or Persons so distraining, any or either of them, his or their
Executors or Administrators, recover double the Value of the Goods or Chattels
so distrained and sold, together with full Costs of Suit.

Goods and
Chattels,
taken in Ex-
ecution, first
liable to the
Payment of
Rent, &c.

IV. *AND be it further enacted by the Authority aforesaid*, That the Goods
and Chattels lying or being in or upon any Messuage, Lands or Tenements,
which are or shall be leased for Life or Lives, Term of Years, or otherwise, taken
by Virtue of any Execution, shall be liable to the Payment of all such Sum or
Sums of Money as are or shall be due for Rent for the Premises, at the Time of
taking such Goods and Chattels by Virtue of such Execution. And the said
Sheriff shall, after Sale of the said Goods and Chattels, pay to the Landlord,
or other Person impowered to receive the same, such Rent so due, if so much
shall be in his Hands, and if not, so much as shall be in his Hands, and apply the
Overplus thereof, if any, towards satisfying the Debt and Costs in such Execu-
tion mentioned. *Provided always*, That the said Rent, so to be paid to the Land-
lord, shall not exceed one Year's Rent.

V. *AND be it further enacted by the Authority aforesaid*, That in case any
Lessee for Life or Lives, Term of Years, at Will, or otherwise, of any Mes-
suages

fuages, Lands or Tenements, upon the Demise whereof any Rents are or shall be reserved or made payable, shall, from and after the Publication of this Act, fraudulently or clandestinely convey or carry off or from such demised Premises, his Goods or Chattels, with Intent to prevent the Landlord or Lessor from distraining the same for Arrears of such Rent so reserved as aforesaid, it shall and may be lawful to and for such Lessor or Landlord, or any other Person or Persons, by him for that Purpose lawfully impowered, within the Space of Thirty Days next ensuing such conveying away or carrying off such Goods or Chattels as aforesaid, to take and seize such Goods and Chattels, wherever the same may be found, as a Distress for the said Arrears of such Rent, and the same to sell, or otherwise dispose of, in such Manner, as if the said Goods and Chattels had actually been distrained by such Lessor or Landlord in and upon such demised Premises, for such Arrears of Rent, any Law, Custom or Usage, to the contrary notwithstanding.

Goods and Chattels clandestinely conveyed away, to prevent being distrained on, may be seized, wherever found within thirty Days.

VI. *PROVIDED* nevertheless, That nothing herein contained shall extend, or be deemed or construed to extend, to impower such Lessor or Landlord to take or seize any such Goods or Chattels, as a Distress for Arrears of Rent, which shall be, *bona Fide*, and for a valuable Consideration, sold before such Seizure made to any Person or Persons not privy to such Fraud as aforesaid, any Thing herein to the contrary notwithstanding.

Unless sold before such Seizure be made.

VII. *AND* be it further enacted by the Authority aforesaid, That from and after the Publication of this Act, it shall and may be lawful to and for every Lessor or Landlord, Lessors or Landlords, or his, her or their Bailiff, Receiver, or other Person or Persons impowered by him, her or them, to take and seize, as a Distress for Arrears of Rent, any Cattle or Stock of their respective Tenant or Tenants, feeding or depasturing upon all or any Part of the Premises demised or holden; and also to take and seize all Sorts of Corn and Grass, Hops, Roots, Fruits, Pulse or other Product whatsoever, which shall be growing on any Part of the Estate or Estates so demised or holden, as a Distress for Arrears of Rent, and to appraise, sell, or otherwise dispose of the same, towards Satisfaction of the Rent for which such Distress shall have been taken, and of the Charges of such Distress, Appraisement and Sale, in the same Manner as other Goods and Chattels may be seized, distrained and disposed of, and that the Purchaser of any such Corn, Grass, Hops, Roots, Fruits, Pulse or other Product, shall have free Egress and Regress to and from the same where growing, to repair the Fences from Time to Time, and when ripe to cut, gather, make, cure, and lay up and thresh, and after to carry the same away, in the same Manner as the Tenant might legally have done, had such Distress never been made.

Cattle, Stock, Corn, Grass, &c. may be seized as a Distress for Arrears of Rent, &c.

VIII. “AND whereas great Inconveniencies may frequently happen to Landlords, by their Tenants secreting Declarations in Ejectment, which may be delivered to them, or by refusing to appear to such Ejectments, or to suffer their Landlords to take upon them the Defence thereof;” *Be it further enacted by the Authority aforesaid*, That from and after the Publication of this Act, every Tenant, to whom any Declaration in Ejectment shall be delivered for any Lands, Tenements or Hereditaments, within this Province, shall forthwith give Notice thereof to his or her Landlord or Landlords, or his, her or their Bailiff, Receiver, Agent or Attorney, under Penalty of forfeiting the Value of two Years Rent of the Premises so demised, or holden in the Possession of such Tenant, to the Person of whom he or she holds; to be recovered by Action of Debt, to be brought in any of the Courts of Common Pleas within this Province, wherein no Effoin, Protection or Wager of Law, shall be allowed, nor any more than one Impar lance.

Penalty on Tenants secreting Declaration in Ejectment, &c.

IX. *AND* be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Court where such Ejectment shall be brought, to suffer the Landlord or Landlords to make him, her or themselves Defendant or Defendants, by joining with the Tenant or Tenants to whom such Declaration in Ejectment shall be delivered, in case he or they shall appear; but in case such Tenant or Tenants shall refuse or neglect to appear, Judgment shall be signed against the casual Ejector, for Want of such Appearance; but if the Landlord or Landlords of any Part of the Lands, Tenements or Hereditaments, for which such Ejectment

Manner of proceeding, where Ejectment is brought.

ment was brought, shall desire to appear by himself or themselves, and consent to enter into the like Rule that, by the Course of the Court, the Tenant in Possession, in case he or she had appeared, ought to have done, then the Court where such Ejectment shall be brought shall and may permit such Landlords so to do, and order a Stay of Execution upon such Judgment against the casual Ejector, until they shall make further Order therein.

X. AND whereas great Difficulties often arise in making Avowries or Conu-
 zance upon Distresses for Rent, *Be it further enacted by the Authority aforesaid,* That from and after the Publication of this Act, it shall and may be lawful for all Defendants in Replevin to avow or make Conu-
 zance generally, that the Plaintiff in Replevin, or other Tenant of the Lands and Tenements whereon such Distress was made, enjoyed the same under a Grant or Demise, at such a certain Rent or Service, during the Time wherein the Rent or Service distrained for incurred, which Rent or Service was then and still remains due, without further setting forth the Grant, Tenure, Demise or Title, of such Landlord or Landlords, Lessor or Lessors, any Law or Usage to the contrary notwithstanding; and if the Plaintiff or Plaintiffs in such Action shall become Nonsuit, discontinue his, her or their Action, or have Judgment given against him, her or them, the Defendant or Defendants in such Replevin shall recover double Costs of Suit.

XI. AND to prevent vexatious Replevins of Distresses taken for Rent, *Be it enacted by the Authority aforesaid,* That from and after the Publication of this Act, all Sheriffs and other Officers, having Authority to serve Replevins, may and shall, in every Replevin of a Distress for Rent, take in their own Names from the Plaintiff, and one responsible Person as Surety, a Bond, in double the Value of the Goods distrained (such Value to be ascertained by the Oath or Affirmation of one or more credible Person or Persons, not interested in the Goods or Distress; which Oath or Affirmation the Person serving such Replevin is hereby authorised and required to administer) and conditioned for prosecuting the Suit with Effect, and without Delay, and for duly returning the Goods and Chattels distrained, in case a Return shall be awarded, before any Deliverance be made of the Distress; and that such Sheriff, or other Officer as aforesaid, taking any such Bond, shall, at the Request and Costs of the Avowant or Person making Conu-
 zance, assign such Bond to the Avowant or Person aforesaid, by indorsing the same, and attesting it under his Hand and Seal, in the Presence of two credible Witnesses, and if the Bond so taken and assigned be forfeited, the Avowant or Person making Conu-
 zance may bring an Action, and recover thereupon in his own Name; and the Court where such Action shall be brought may, by a Rule of the same Court, give such Relief to the Parties upon such Bond, as may be agreeable to Justice and Reason; and such Rule shall have the Nature and Effect of a Defeasance to such Bond.

XII. AND whereas it frequently happens within this Province, that Lessees or Tenants for Years, or at Will, often hold over the Tenements to them demised after the Determination of such Leases, and although such Lessees and Tenants have been required to deliver up the Tenements to the Landlord or Lessor, who had Occasion to dwell in his own House, or give, grant or demise the same to another, yet they have most unjustly refused so to do, and have obliged the Lessors or Landlords, at a great Expence, to bring Ejectments against their Tenants, and, by the Delays incident to Law Proceedings, have kept the Owner of the House at Law, and out of Possession, several Years; for preventing therefore such unjust Practices, *Be it further enacted by the Authority aforesaid,* That where any Person or Persons in this Province, having leased or demised any Lands or Tenements to any Person or Persons for a Term of one or more Years, or at Will, paying certain Rents, and he or they, or his or their Heirs or Assigns, shall be desirous upon the Determination of the Lease to have again and re-possess his or their Estate so demised, and for that Purpose shall demand and require his or their Lessee or Tenant to remove from and leave the same, if the Lessee or Tenant shall refuse to comply therewith, in three Months after such Request to him made, it shall and may be lawful to and for such Lessor or Lessors, his or their Heirs and Assigns, to complain thereof to any two Justices of the City, Town or County, where the demised Premises are situate, and upon due Proof made before the

Defendants
in Replevin
to avow or
make Conu-
zance, &c.

Sheriff, &c.
serving Re-
plevins, to
take a Bond
from the
Plaintiff, &c.

Manner of
Landlord's
proceeding to
gain Re-pos-
session, &c.

the said Justices, that the said Lessor or Lessors had been quietly and peaceably possessed of the Lands or Tenements so demanded to be delivered up, that he or they demised the same, under certain Rents, to the then Tenant in Possession, or some Person or Persons under whom such Tenant claims, or came into Possession, and that the Term for which the same was demised is fully ended; that then, and in such Case, it shall and may be lawful for the said two Justices, to whom Complaint shall be made as aforesaid, and they are hereby enjoined and required forthwith to issue their Warrant, in Nature of a Summons, directed to the Sheriff of the County, thereby commanding the Sheriff to summon Twelve substantial Freeholders to appear before the said Justices, within Four Days next after issuing the same Summons, and also to summon the Lessee or Tenant, or other Person claiming or coming into Possession under the said Lessee or Tenant, at the same Time to appear before them the said Justices and Freeholders, to shew Cause, if any he has, why Restitution of the Possession of the demised Premises should not be forthwith made to such Lessor or Lessors, his or their Heirs or Assigns; and if, upon hearing the Parties, or in case of the Tenants, or other Persons, claiming or coming into Possession under the said Lessee or Tenant, Neglect to appear, after being summoned as aforesaid, it shall appear to the said Justices and Freeholders, that the Lessor or Lessors had been possessed of the Lands or Tenements in Question; that he or they had demised the same for a Term of Years, or at Will, to the Person in Possession, or some other under whom he or she claims, or came into Possession, at a certain yearly or other Rent, and that the Term is fully ended; that Demand had been made of the Lessee, or other Person in Possession as aforesaid, to leave the Premises three Months before such Application to the said Justices; that then, and in every such Case, it shall and may be lawful for the said two Justices to make a Record of such Finding, by them the said Justices and Freeholders, and the said Freeholders shall assess such Damages as they think right against the Tenant, or other Person in Possession as aforesaid, for the unjust Detention of the demised Premises, for which Damages, and reasonable Costs, Judgment shall be entered by the said Justices, which Judgment shall be final and conclusive to the Parties, and upon which the said Justices shall, and they are hereby enjoined and required to issue their Warrant, under their Hands and Seals, directed to the Sheriff of the County, commanding him forthwith to deliver to the Lessor or Lessors, his or their Heirs or Assigns, full Possession of the demised Premises aforesaid, and to levy the Costs, taxed by the Justices, and Damages, so by the Freeholders aforesaid assessed, of the Goods and Chattels of the Lessee or Tenant, or other Person in Possession as aforesaid, any Law, Custom or Usage, to the contrary notwithstanding.

XIII. *PROVIDED* *always nevertheless*, That if the Tenant shall alledge that the Title to the Lands and Tenements in Question is disputed, and claimed by some other Person or Persons whom he shall name, in Virtue of a Right or Title, accrued or happening since the Commencement of the Lease, so as aforesaid made to him, by Descent, Deed, or from or under the Last-Will of the Lessor, and if thereupon the Person so claiming shall forthwith, or upon a Summons, immediately to be issued by the said Justices, returnable in six Days next following, before them appear, and on Oath or Affirmation, to be by the said Justices administered, declare that he verily believes that he is intitled to the Premises in Dispute, and shall, with one or more sufficient Sureties, become bound by Recognizance in the Sum of *One Hundred Pounds* to the Lessor or Lessors, his or their Heirs or Assigns, to prosecute his Claim at the next Court of Common Pleas to be held for the County where the said Lands and Tenements shall be, that then, and in such Case, and not otherwise, the said Justices shall forbear to give the said Judgment. *Provided also*, That if the said Claim shall not be prosecuted, according to the true Intent and Meaning of the said Recognizance, it shall be forfeited to the Use of the Lessor or Landlord, and the Justices aforesaid shall proceed to give Judgment, and cause the Lands and Tenements aforesaid to be delivered to him in the Manner herein before enjoined and directed.

Manner of
proceeding
where Titles
are disputed,
&c.

XIV. AND whereas, after the Determination of such Leases so made as aforesaid, no Distress can by Law be made for any Arrears of Rent that grew due on such respective Leases before the Determination thereof; *Be it therefore fur-*

Arrears of
Rent may be
distrained for
after the De-
termination
of Leases,
&c.

ther enacted by the Authority aforesaid, That from and after the Publication of this Act, it shall and may be lawful for any Person or Persons, having any Rent in arrear or due upon any Lease for Life or Lives, or for one or more Years, or at Will, ended or determined, to distrain for such Arrears after the Determination of the said respective Leases, in the same Manner as they might have done, if such Lease or Leases had not been ended or determined; provided that such Distress be made during the Continuance of such Lessor's Title or Interest.

Passed March 21, 1772.

C A P. VIII.

An ACT for the Relief of *William Faries, John Gillard, Charles Hicks, and John Reynolds*, languishing Prisoners in the Goal of *Philadelphia*; and *William Bennet*, and *Felix M'Cowan*, languishing Prisoners in the Goal of *York County*, with respect to the Imprisonment of their Persons.

Passed March 21, 1772.—Private Act.

C A P. IX.

An ACT for raising a Fund to pay the Damages done by Dogs, within the City and County of *Philadelphia*, and the County of *Bucks*.

Preamble.

WHEREAS many of the Inhabitants of the City and County of *Philadelphia*, and County of *Bucks*, have sustained great Damages by Dogs killing and wounding their Sheep, without any Redress or legal Remedy against the Owner or Owners of such Dogs: And whereas the said Mischiefs have, in a great Measure, arisen from the Number of useless and unnecessary Dogs kept by the Inhabitants of the said City and Counties; for Remedy whereof, BE IT ENACTED by the Honourable RICHARD PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That there shall, after the Publication of this Act, throughout the said City and Counties, be raised, levied, collected and paid, yearly and every Year, for every Dog above the Age of three Months, of what Size or Kind soever, which any Person or Persons shall own, keep or be possessed of within the same, the Rates and Sums of Money following; that is to say, for one Dog owned, kept or possessed by any Master, Mistress or Head of any Family, the Sum of *One Shilling*; and for each and every other Dog so owned, kept or possessed by such Master, Mistress or Head of any Family, *Two Shillings*; and for every Dog owned, kept or possessed by any single Person, not being a Master, Mistress, nor Head of a Family, the Sum of *Five Shillings*.

Rates to be
paid yearly
by Owners of
Dogs.

Manner of
collecting the
Rates, &c.

II. AND be it further enacted by the Authority aforesaid, That the said Rates and Sums of Money shall be assessed, raised, levied and recovered, within the City of *Philadelphia*, the District of *Southwark*, and the adjoining Townships of *Moyamensing, Passyunk* and the *Northern Liberties*, by the Overseers of the Poor, in the same Manner, and under the same Pains and Penalties, as the Sums of Money raised for the Relief of the Poor in the said City are by Law directed to be assessed, raised, levied and recovered; and that the said Rates and Sums of Money shall be assessed, raised, levied and recovered, within every other Township in the said Counties of *Philadelphia* and *Bucks*, by the Supervisors of the Highways, for the same Rewards, in the same Manner, and under the same Penalties, as the Sums of Money to be raised for opening, clearing, amending and repairing the public Roads and Highways within the same, are by Law directed to be assessed, raised and levied. *Provided always nevertheless*, That the being charged with and paying any of the Rates imposed by this Act shall not be held, or construed to extend, to give any Person or Persons a Settlement as a poor Person in the said City, District or adjoining Townships.

III. AND be it further enacted by the Authority aforesaid, That the several Overseers of the Poor of the said City, District and Townships of *Moyamensing, Passyunk*

Passjunks and the *Northern Liberties*, and the Supervisors of the Highways of each and every other Township within the said Counties, shall keep a Book, and once in every Year take, or cause to be taken, an Account from every Person within their respective Districts, owning or keeping Dogs, and shall therein enter the Names of every such Person, with the Number of Dogs by them severally owned or kept, and the Rates and Sums by them assessed and levied by Virtue of this Act; and that the Monies so received by the said Overseers of the Poor, after deducting the Charges and Expences of assessing, raising and levying the same, shall be paid to the Treasurer of the Corporation for the Relief and Support of the Poor in the City of *Philadelphia*; of which Monies the said Treasurer shall keep Accounts, separate and distinct from his Accounts of other Monies which shall come to his Hands; and that the Monies, so levied and received by the said Treasurer and Supervisors respectively, shall be retained in their Hands, undisposed of, until the Third *Saturday* of *March* in every Year, during the Continuance of this Act, in order that the same may be applied in the Manner herein after directed.

Overseers of the Poor, &c. to take an Account yearly of the Owners or Keepers of Dogs, &c.

IV. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons within the said Counties shall suffer or sustain any Damages, by any Dog or Dogs killing his, her or their Sheep, it shall and may be lawful to and for such Person and Persons to apply to any Justice of the Peace, who shall forthwith issue his Warrant or Order, directed to two reputable Freeholders or Inhabitants of the Neighbourhood, requiring them to view the Sheep killed and wounded, and to enquire whether the same were killed or wounded by any Dog or Dogs, and ascertain the Value of the Damages done, and thereupon to appear before the said Justice, who shall examine the said Freeholders or Inhabitants, on Oath or Affirmation, touching the Premises; and if it shall appear upon such Examination, or by other positive or circumstantial Proof, that the said Sheep were killed or wounded by any Dog or Dogs, the said Justice shall give to the said Owner or Owners of the Sheep so killed or wounded (if killed or wounded within the said City, District or adjoining Townships) an Order on the Treasurer of the Corporation aforesaid, for the Amount of such Valuation, which the said Treasurer is hereby enjoined and required to pay off and discharge, out of the Monies arising by this Act; and if killed or wounded within any of the said other Townships in the said Counties, on the Supervisors of the Township within which the said Sheep shall be so killed or wounded, which Order the said Supervisors shall discharge, out of the Monies arising by Virtue of this Act.

Method of proceeding where Persons sustain any Damage, by Dogs killing their Sheep.

V. *AND be it further enacted by the Authority aforesaid*, That the said Certificate shall be paid off by the said Treasurer and Supervisors respectively, on the said Third *Saturday* of *March* in every Year, during the Continuance of this Act; and if any Surplus shall remain in the Hands of the said Treasurer, after the said Third *Saturday* of *March*, in any of the Years aforesaid, after discharging the said Orders, such Surplus shall be appropriated and applied for and towards the Relief and Support of the Poor in the said City; and if any of the Monies aforesaid shall remain in the Hands of the respective Supervisors, after discharging the Orders aforesaid, it shall be paid over to the succeeding Supervisors, and be applied by them towards opening, amending and repairing, the Highways within their respective Townships. And if there shall not be Money in the Hands of the said Treasurer and Supervisors respectively, sufficient to pay off the Orders which shall be tendered to them for Payment, on or before the said Day, the Person or Persons, to whom the said Orders are payable, shall be paid the Sums in their respective Orders mentioned, in a rateable Proportion to the Monies in the Hands of the said Treasurer or Supervisors respectively, and the Residue thereof shall be paid out of the next Year's Rates.

Certificates to be paid off on the Third *Saturday* of *March* yearly, &c.

VI. *AND be it further enacted by the Authority aforesaid*, That the said Justice of the Peace shall have and receive, of and from the Owners of the Sheep killed or wounded, for the said Order for Valuation, qualifying the Viewers and other Witnesses on the Enquiry into the Value, and the Order and Certificate to the said Treasurer or Supervisors, *Two Shillings*, and no more; which he shall indorse on the said Certificate, in order that the same may be paid to such Owners by the said Treasurer or Supervisors respectively, out of the Monies arising by this Act.

Justice's Reward, &c.

VII. *AND*

Overseers of
the Poor, &c.
to settle their
Accounts.

VII. *AND be it further enacted by the Authority aforesaid,* That the said Treasurer, Overseers of the Poor and Supervisors, shall settle their Accounts of the Monies, which shall come into their Hands by Virtue of this Act, with the same Persons, at the same Times, and under the same Penalties respectively, as they are enjoined and required by Law to do, in settling their Accounts of the Monies, which shall come to their respective Hands as Treasurer aforesaid, Overseers of the Poor, and Supervisors of the Public Roads and Highways.

Owner of any
Dog, killing
Sheep, to de-
stroy him in
24 Hours
after Notice,
or make Sa-
tisfaction for
the Damage,
&c.

VIII. *PROVIDED always, and be it further enacted by the Authority aforesaid,* That where any Sheep shall be killed or hurt, within the said Counties, by any Dog or Dogs, the Owner or Keeper whereof shall be known, if the Owner or Keeper of such Dog or Dogs, after Proof made thereof before any Justice of the Peace in Manner aforesaid, shall refuse or neglect to kill such Dog or Dogs, within Twenty-four Hours after such Proof made, and Notice thereof to him given, or to make Satisfaction to the Person or Persons injured, it shall and may be lawful to and for the Person or Persons so injured, to get the Value of such Sheep so as aforesaid returned by the said Freeholders or Inhabitants to the said Justice, duly certified by the said Justice, and to commence his, her or their Action or Actions against the Owner or Possessor of such Dog or Dogs before any Justice of the Peace, if such Valuation and Damages shall not exceed *Five Pounds*, and if above that Sum, in any Court of Common Pleas within this Province, in which Action such Certificate shall be Evidence of the Damages sustained by the Plaintiff or Plaintiffs, who shall recover double the Damages so certified before such Justice or Court respectively, with full Costs of Suit, any Law, Usage or Custom to the contrary notwithstanding; but if the said Owner or Possessor shall, on Notice as aforesaid, kill such Dog or Dogs, the Person or Persons injured shall be paid the Damages in Manner aforesaid, out of the Monies arising by this Act.

Penalty on
Owners re-
fusing to give
a true Ac-
count of the
Number of
their Dogs.

IX. *AND be it further enacted by the Authority aforesaid,* That if any Person or Persons within the said Counties shall refuse to give, on Demand, to the said respective Overseers and Supervisors of the Township, Ward or District, in which he or they shall reside, a true Account of the Number of such Dogs by him, her or them owned, kept or possessed, every such Person so offending shall forfeit and pay Fourfold of the Rate of every such Dog he, she or they shall refuse or neglect to give such Account of, to be recovered in the same Manner as the Rates imposed by this Act are directed to be recovered in the said Township, Ward or District, and applied to the same Uses and Purposes as the Rates or Sums of Money hereby enjoined to be levied are directed to be applied.

Dogs found
worrying any
Sheep, may
be killed,
&c.

X. *AND be it further enacted by the Authority aforesaid,* That if any Person or Persons within the Counties aforesaid shall find any Dog killing or worrying any Sheep, it shall and may be lawful for them, or any of them, to kill the said Dog; and if it can be proved that such Dog was ever before concerned in killing any Sheep, and the same had come to the Knowledge of the Owner or Possessor of such Dog, it shall be lawful for the Person or Persons injured to procure, in Manner aforesaid, a Valuation and Certificate of the Damages sustained, and to sue for and recover double the Value and Amount of the same, before any Justice, or in any such Court respectively, as is herein before directed, with full Costs of Suit.

Master, Mi-
stresses or
Heads of Fa-
milies, suf-
fering their
Servants to
keep Dogs,
liable to pay
the Rates.

XI. *AND be it further enacted by the Authority aforesaid,* That if any Master, Mistress or Head of any Family within the said City, District, or any Township in the Counties aforesaid, shall permit or suffer any hired Servant or Slave to own, keep or be possessed of any Dog, or shall harbour, keep or be possessed of any stray Dog in his or her House or Family, every such Dog shall be deemed and taken to belong to such Master, Mistress or Head of such Family, who shall be liable to pay the said Rates and Sums of Money, and be subject to the same Penalties for not returning, or for concealing such Dog, as if such Dog did truly belong to him, her or them.

Limitation.

XII. *AND be it further enacted by the Authority aforesaid,* That this Act shall continue for the Space of Three Years, and from thence to the End of the next Sitting of Assembly, and no longer.

Passed March 21, 1772.

C A P.

C A P. X.

An ACT for regulating Chimney Sweepers within the City of *Philadelphia*, the District of *Southwark*, and the Township of the *Northern Liberties*.

WHEREAS the Estates of the Inhabitants of the City of *Philadelphia*, the District of *Southwark*, and the Township of the *Northern Liberties*, are frequently endangered by Chimnies taking Fire, and blazing out at the Top, and great Complaints have been made for Want of a proper Regulation among those, who undertake the Sweeping of Chimnies; For Remedy whereof, BE IT ENACTED by the Honourable RICHARD PENN, Esquire, Lieutenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Person or Persons whatsoever, from and after the First Day of *May* next ensuing the Publication of this Act, shall follow the Business or Occupation of a Chimney Sweeper, either by himself, his Servants, Negroes, or others, within the City of *Philadelphia*, the District of *Southwark*, or the Township of the *Northern Liberties*, without having first made Application to the Officer herein after appointed, and having registered, or caused to be registered, his or their Name or Names, and the Name or Names of his or their Servants, Negroes, or other Persons aforesaid, with a Number affixed to each and every such Name, in a Book by the said Officer to be kept for that Purpose, and without procuring and receiving, from the said Officer, a Certificate of every such Registry, containing the Number and Name of every Person so entered, under the Penalty of *Five Shillings* for every Day he shall follow by himself, or cause to be followed by his Servants, Negroes, or others, the said Business; which said Certificates the said Officer is hereby enjoined and required to make out, under his Hand, and to deliver to the Person or Persons who shall apply for the same; and for every such Registry and Certificate he shall receive the Sum of *Two Shillings*, and no more.

No Persons to follow the Occupation of a Chimney Sweeper, without having their Names registered, &c.

II. AND be it further enacted by the Authority aforesaid, That all and every Person and Persons following the Business aforesaid within the said City, District and Liberties, shall (if he follows the Employment himself) wear, or (if he employs his Servants, Negroes, or others) cause to be worn, on the Front of their Caps, in full View, without any Concealment, the same Figures and Numbers respectively as shall be so as aforesaid entered in the said Book, and contained in his or their respective Certificates, and none other, in large Figures, not less than two Inches in Length, to be made of strong durable Tin or Copper; and that all and every Person and Persons, who shall follow the said Business or Employment by him or themselves, or by his or their Servants, Negroes, or others, not having the said Number fixed on his or their Cap and Caps, and the Cap and Caps of his and their Servants, Negroes, and other Persons aforesaid, according to the Directions aforesaid, or, when fixed, shall wilfully deface or conceal the same, or shall neglect to keep them plain and visible, shall, for each and every such Offence, forfeit and pay the Sum of *Five Shillings* for every Day he or they shall follow the said Employment, not wearing the said Number as aforesaid.

To wear the Number contained in their Certificates on the Front of their Caps, &c.

III. AND be it further enacted by the Authority aforesaid, That if any Person or Persons undertaking the Business or Occupation aforesaid shall not, within Forty-eight Hours after Application to him or them made by any of the Inhabitants of the said City, District or *Northern Liberties*, sweep, or cause to be swept, such Chimney or Chimnies, as he or they shall be required to sweep, every such Person or Persons so offending shall forfeit and pay the Sum of *Five Shillings*.

Penalty on their not sweeping Chimnies within 48 Hours after Application.

IV. AND be it further enacted by the Authority aforesaid, That every Chimney Sweeper shall have and receive, for every Chimney by him swept within the City of *Philadelphia*, and for every Chimney by him swept in the

Rates allowed for sweeping Chimnies.

District and Liberties aforesaid, not more than one Mile distant from the Northern and Southern Boundaries of the said City, such Chimney having but one Funnel, a Sum not exceeding *Nine-pence*, and for every Chimney with two Funnels, a Sum not exceeding *Fifteen-pence*.

Penalty on
Chimneys
taking Fire,
and blaz-
ing out at the
Top.

V. *AND be it further enacted by the Authority aforesaid*, That if the Chimney of any Person or Persons within the said City, District or Liberties, shall take Fire, and blaze out at the Top, the same not having been swept within the Space of one Kalendar Month next before the Time of taking such Fire, every such Person and Persons shall forfeit and pay the Sum of *Twenty Shillings*; and if any Chimney shall take Fire, and blaze out at the Top, the same having been swept within one Kalendar Month from the Time of such taking Fire, the Person who swept the same, either by himself, his Servants or Negroes, shall forfeit and pay *Twenty Shillings*.

Officer ap-
pointed for
granting
Certificates,
&c.

VI. *AND*, to the End that the Regulations by this Act prescribed may be executed, *Be it enacted by the Authority aforesaid*, That the Clerk of *The Philadelphia Contributionship for the insuring Houses from Loss by Fire*, for the Time being, shall be, and is hereby appointed the Officer for registering and granting Certificates to Chimney Sweepers, who is hereby required to do and perform the several Duties of the said Office enjoined by this Act.

Manner of
appropriat-
ing Fines,
&c.

VII. *AND be it further enacted by the Authority aforesaid*, That all and every the Penalties and Forfeitures, imposed by Virtue of this Act, shall be paid to the Overseers of the Poor of the City, District or Township, where the Offence shall be committed, for the Use of the Poor thereof, to be recovered before any Justice of the Peace of the City or County where the Offence shall be committed, who is hereby authorized to hear, try and determine the same.

Part of for-
mer Laws
repealed.

VIII. *AND be it further enacted by the Authority aforesaid*, That so much of the Act of General Assembly, passed in the Seventh Year of the Reign of His late Majesty GEORGE the First, intituled, *An Act for preventing Accidents that may happen by Fire*; and of the Act of General Assembly, passed in the Twenty-third Year of the Reign of His late Majesty GEORGE the Second, intituled, *An Act for the more effectual preventing Accidents which may happen by Fire, and for suppressing Idleness, Drunkenness, and other Debaucheries*, as relates to the Firing of Chimnies within the said City, shall be, and is hereby declared to be repealed.

Passed March 21, 1772.

C A P. XI.

An ACT to enable the Commissioners therein named to settle the Accounts of the Managers of a Lottery, set up and drawn for repairing the Meeting-House, and building or repairing the House for the Residence of the Minister of the *Presbyterian* Congregation of *Newtown*, in the County of *Bucks*, and to sue for and recover such Sums of Money, as remain due and unpaid on Account of the said Lottery.

Passed March 21, 1772.—Private Act.

C A P. XII.

An ACT for the safe keeping and preserving the Records and other public Papers of the County of *Bucks*.

Preamble.

WHEREAS the Commissioners and Assessors, with the Assent and Approbation of the Justices and Grand Jury of the County of *Bucks*, have, at a considerable Expence, lately erected in the Town of *Newtown*, near the Court-House, a strong commodious House, well secured from the Accidents often happening by Fire, and the Attempts of evil-minded Persons, for the safe keeping and preserving the Records and public Papers of the said County: And whereas it is necessary to the Safety of the Public, that the said Records and Papers should be deposited and kept in the said House, and not in the private House or Houses of the Officer or Officers, where they must be liable to a Variety of Accidents, **BE IT THEREFORE ENACTED** by the Honourable RICHARD PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN, Esquires, true and absolute Proprietaries

aries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Records and other Papers, of or belonging to the several and respective Offices of Clerk of the County Court of Common Pleas, Clerk of the County Court of Quarter Sessions, Clerk of the Orphans Court, Recorder of Deeds, and Deputy Register for the Probate of Wills and granting Letters of Administration, in and for the said County, shall be deposited and kept, and the Person or Persons holding the said Offices, or any of them, are hereby enjoined and required to deposite and keep the same in the said House, from Time to Time, and at all Times hereafter, any Usage or Custom to the contrary notwithstanding.

Records, &c.
to be depo-
sited in a
House erect-
ed for that
Purpose.

II. *AND be it further enacted by the Authority aforesaid*, That the Person or Persons who shall hereafter hold and enjoy the said Offices, or any of them, shall, from Time to Time, for ever hereafter hold the same, either by him or themselves, his or their Clerk or Clerks, at and in the said House, so as aforesaid built at the public Expence, and not elsewhere, under the Penalty of *Three Hundred Pounds*, to be recovered by Bill, Plaint or Information, in any Court of Record within this Province, wherein no Effoin, Protection, Wager of Law, nor more than one Imparlance, shall be allowed.

Penalty on
Clerks of the
County
Court, &c.
not holding
their Offices
in the said
House.

Passed March 21, 1772.

C A P. XIII.

An A C T for the Recovery of divers Sums of Money from the Persons therein named.

Passed March 21, 1772.—Private Act.

C A P. XIV.

A S U P P L E M E N T to the Act, intituled, *An Act for the Advancement of Justice, and more certain Administration thereof*.

TO prevent and deter evil-minded Persons from committing the Offences herein after mentioned, **B E I T E N A C T E D** by the Honourable **RICHARD PENN**, Esq; Lieutenant-Governor, under the Honourable **THOMAS PENN**, and **JOHN PENN**, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Person or Persons, from and after the Publication of this Act, shall maliciously and voluntarily burn the State-House of this Province, or any of the adjoining Offices or Buildings, or any Church, Meeting-House, or other Building for public Worship, or any Academy or School-house, or Library, belonging to any Body politic or corporate, and shall be thereof legally convicted, every such Person and Persons shall suffer Death, without Benefit of Clergy.

Persons con-
victed of
burning the
State-House,
&c. to suffer
Death.

II. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall break and enter into any of the Houses aforesaid in the Night Time, with Intent to commit a Felony within the same, whether the felonious Intent be executed or not, every such Person so offending, being thereof legally convicted, shall stand in the Pillory during the Space of one Hour, have his, her or their Ears cut off, and nailed to the Pillory, be publicly whipped with Thirty-nine Lashes on the bare Back, well laid on, and be committed to the Work-house or Goal of the City or County where such Offender shall be convicted, during the Space of Twelve Months.

Punishment
to be inflict-
ed on Persons
breaking in-
to any public
Building in
the Night.

III. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall maliciously and voluntarily break, or take off or from the Door of any Inhabitant, within this Province, any Brass or other Kocker affixed to such Door, or shall maliciously or voluntarily cut, break, or otherwise destroy any Lead, Tin or Copper Spout, or any Part thereof, affixed to any such House, every Person so offending, being thereof legally convicted, shall forfeit and pay the Sum of *Twenty-five Pounds* for every such Kocker or Spout so broken, or taken away, or cut, or otherwise destroyed, or be publicly whipped on his or their bare Backs with Twenty-one Lashes, well laid on.

Penalty on
breaking off
Knockers of
Doors, &c.

IV. *AND*

Or taking
down Signs.

IV. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall maliciously or voluntarily break, take down, destroy or deface any Sign, put up by any Inhabitant of this Province, to denote his, her or their Place of Abode, Occupation, Business or Employment, every such Person or Persons so offending, being thereof legally convicted, shall forfeit and pay the Sum of *Ten Pounds* for every such Offence, or be publicly whipped on his, her or their bare Backs, with Fifteen Lashes, well laid on.

Fines how
appropri-
ated.

V. *AND be it further enacted by the Authority aforesaid*, That one Moiety of the Fines imposed by this Act shall be, and is hereby declared to be, to and for the Use of the Person or Persons injured, and the other Moiety to and for the Use of the Poor of the City, Borough, District or Township, where the Offence shall be committed.

Proviso.

VI. *PROVIDED always nevertheless*, That nothing in this Act contained shall be construed to prevent the Commissioners for paving and cleansing the Streets of the City of *Philadelphia*, from taking down or removing any Sign put up within the said City contrary to Law.

Passed March 21, 1772.

C A P. XV.

An A C T for opening, and better amending and keeping in Repair, the public Roads and Highways within this Province.

Preamble.

WHEREAS an Act of General Assembly of this Province, intituled, *An Act for opening, and better amending and keeping in Repair, the public Roads and Highways within this Province*, passed in the Fifth Year of His present Majesty's Reign, is nearly expired; and whereas the Laws for keeping in Repair the Roads and Highways, that would thereupon come in Force again, have been found burthensome and unequal upon many of the Inhabitants of this Province, and insufficient to answer the good Purposes thereby intended, inasmuch as no Provision is made for supplying the Overseers and Inhabitants working thereon with Timber and other Materials, necessary for making effectual Repairs on the said Roads; For Remedying whereof, BE IT ENACTED by the Honourable RICHARD PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Freeholders and others, qualified to choose Members of Assembly of every Township, shall meet together on the Third *Saturday* in the Month of *March*, yearly and every Year, during the Continuance of this Act, and then and there, by Tickets in Writing, between the Hours of Three and of Six in the Afternoon, choose one or two discreet and reputable Freeholders or Inhabitants, within their respective Townships, to be Supervisors of the Highways; which said Supervisors, when chosen, and returned in Writing, under the Hands of the Supervisors of the public Roads of the respective Townships, into the Office of the Clerk of the Court of Quarter Sessions of the respective Counties, which they are hereby enjoined to do, on or before the Twenty-Fifth Day of *March* yearly, shall be the Supervisors of the public Roads and Highways for the ensuing Year; and if any Supervisor or Supervisors, so elected, or otherwise appointed, by Virtue of this Act, shall refuse or neglect to take upon him or themselves the said Office, for every such Refusal or Neglect, he or they shall forfeit and pay any Sum not exceeding *Ten Pounds*, to be applied towards amending and repairing the said Roads.

Freeholders
to meet, and
choose Su-
pervisors of
the High-
ways.

Penalty on
refusing to
serve.

Notice to be
given in each
Township of
the Election
of Supervi-
sors.

II. *AND be it further enacted by the Authority aforesaid*, That the Supervisors of the public Roads and Highways of the respective Townships within the several Counties of this Province shall, at least Five Days before the Third *Saturday* in *March*, yearly and every Year, during the Continuance of this Act, give public Notice in Writing, by affixing the same in the most public Places in their respective Townships, of the Place where the Inhabitants and Freeholders of the several Townships shall meet, to elect Supervisors for each and every of the said Townships, according to the Directions of this Act; which

Place

Place so appointed for the said Election, shall be as near the Center of the respective Townships as conveniently may be.

III. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful for the Supervisors of the public Roads and Highways within the respective Townships of this Province, lawfully chosen, to make or lay a Rate or Rates in any one Year, not exceeding *Nine-pence* in the *Pound*, on the clear yearly Value of all Iron-works, Mills, Houses, Lands, and other the real as well as personal Estates, within their respective Townships (Tracts of Land unlocated, unseated or unimproved, and Proprietary Quitrents, only excepted) to be employed for the opening, clearing, amending and repairing the several public Roads and Highways within their respective Townships, in such Manner as by this Act is directed and appointed. *Provided nevertheless*, That the said Rate or Assessment shall be laid according to the best of their Skill and Judgment, and as near as may be agreeable to the then last County Assessment, in Pursuance of the Act, intituled, *An Act for raising County Rates and Levies*, having due Regard to every Man's Estate within the respective Township in which he is assessed, without Favour or Affection to any Person whomsoever. *Provided also*, That single Men shall not be chargeable by the Head in such Assessment, as in the Case of County Rates and Levies.

Supervisors to lay a Tax, not exceeding *Nine-pence* in the *Pound*, &c.

IV. *AND* whereas divers of the public Roads within this Province are laid out on the Division Line of two Townships, and frequent Disputes have arisen between the Supervisors of the said Townships, respecting the repairing of the said Roads, whereby they often remain unrepaired; For Remedy whereof, *Be it enacted by the Authority aforesaid*, That the said Roads shall be repaired at the equal and joint Expence of the said Townships; and in case the Supervisor or Supervisors of one of the said Townships shall neglect or refuse to join with the Supervisor or Supervisors of the other Township, in opening, amending or repairing any such Road, or any public Road which shall hereafter be laid out on such Township Line, such Supervisor or Supervisors, so neglecting or refusing, shall be liable to the same Pains and Penalties, as if he or they had neglected or refused to open, amend or repair any public Road within his or their respective Township; and it shall and may be lawful for the Supervisor or Supervisors of the other Township, and he or they are hereby required to open, amend and repair the said Roads, and to charge the said Supervisor or Supervisors, so refusing or neglecting, with one Moiety of the Monies expended on such Roads, and to recover the same by Action of Debt, to be brought against such Supervisor or Supervisors so refusing or neglecting.

Roads, laid out on the Division Line of two Townships, to be repaired at the joint Expence of both, &c.

V. *AND be it further enacted by the Authority aforesaid*, That if any Supervisor or Supervisors of the public Roads and Highways, so as aforesaid chosen, shall refuse or neglect to take upon him or themselves the said Office, or shall die, or remove out of the Township for which he or they shall be chosen, or if the Freeholders and Inhabitants of any Township shall neglect or refuse to elect or choose Supervisors, as is herein before directed and appointed, or where any Township shall have no Supervisor residing in it, then, and in every such Case, it shall and may be lawful to and for three or more Justices of the Peace of the respective Counties, and they are hereby enjoined and required to appoint another Supervisor or Supervisors, in the Room and Stead of every such Supervisor or Supervisors so refusing, dying, or removing as aforesaid; and likewise to appoint Supervisors for such Townships as have neglected or refused to choose Supervisors for their respective Townships, in the Manner herein directed and appointed; which said Supervisor or Supervisors, so appointed, shall have the same Powers and Authorities, and shall be liable to the same Penalties, as the Supervisors so elected and chosen by each respective Township, in Pursuance of the Directions of this Act; and that all and every such Supervisor and Supervisors, elected or appointed as aforesaid, shall have and receive for his or their Trouble, in collecting the several Sums of Money to be raised as aforesaid, *Twelve-pence* in every *Pound* by him or them collected, and *Four Shillings per Diem* for each Day he or they shall attend in overseeing, employing and directing the Workmen upon the public Roads and Highways within their Township.

Supervisors dying, refusing or neglecting to serve, others to be appointed by the Justices of the respective Counties, &c.

Supervisors, chosen by any former Law, to continue in their Office, &c.

VI. *AND be it further enacted by the Authority aforesaid, and it is hereby declared,* That where any Supervisor or Supervisors have been legally chosen or appointed, by Virtue of any Law heretofore made for repairing the Highways, they and each of them shall be deemed and taken as Supervisors of the Highways for the Townships in which they reside respectively, until the Twenty-fifth Day of *March*, in the Year One Thousand Seven Hundred and Seventy-two, as fully and amply, to all Intents and Purposes, as if they and each of them had been chosen or appointed by Virtue of this Act, and shall account in the same Manner, and under the same Penalties, as the Supervisors of the Highways, to be chosen and appointed by Virtue of this Act, are directed to account; and if any Money shall have come to their or any of their Hands, and shall not have been expended before the said Twenty-fifth Day of *March*, the same shall be paid over into the Hands of the Supervisor of the Township where it was assessed and raised, to be applied towards maintaining the Highways in the said Township.

The Tax, before collected, to be allowed by at least two Justices of the Peace of the County where laid, &c.

VII. *AND be it further enacted by the Authority aforesaid,* That the said Supervisors, before they proceed to the collecting of the said Rate, shall procure the same to be allowed by at least two Justices of the Peace of the County where in the said Tax is laid; and if any Person or Persons so rated or assessed shall refuse to pay the Sum or Sums on him or them charged, and shall not enter his or their Appeal at the next General Court of Quarter Sessions, that then it shall and may be lawful to and for the said Supervisor or Supervisors (having first obtained a Warrant, under the Hand and Seal of one Justice of the Peace of the County, who is hereby impowered and required to grant such Warrant) to levy the same on the Goods and Chattels of the Person or Persons so refusing. And in case such Person shall not, within three Days next after such Distress made, pay the Sum or Sums on him or her assessed, together with the Charges of such Distress, that then the said Supervisor or Supervisors may proceed to the Sale of the Goods distrained, rendering to the Owner the Overplus, if any, that shall remain on such Sale, reasonable Charges being first deducted. *Provided nevertheless,* That if any Person or Persons shall find him, her or themselves aggrieved with such Rate or Assessment, it shall be lawful for the Justices of the Peace at their next General Quarter Sessions, upon the Petition of the Party, to take such Order therein as to them shall be thought expedient, and the same shall conclude and bind all Parties; and the Supervisor or Supervisors, in case of such Appeal, shall forbear making Distress, until the same be determined in the Quarter Sessions, in the Manner herein before directed and appointed.

Tenants of Non-resident Landlords, their Goods liable, &c.

VIII. *AND be it further enacted by the Authority aforesaid,* That the Tenant or Tenants, or other Persons residing on, or having the Care of Lands of Persons, not residing in the County, his, her or their Goods and Chattels shall be liable to be distrained in Manner aforesaid, for the Payment of the said Tax.

Tenants to deduct the Tax out of their Rent, &c.

IX. *AND be it further enacted by the Authority aforesaid,* That where any Tenant shall, before the Passing this Act, have taken on a Lease, for one or more Years, any Lands or Tenements, and shall pay the said Rate hereby imposed on the said Lands or Tenements so leased, or shall have his or her Goods and Chattels distrained for the same, in such Case it shall and may be lawful for the said Tenant or Tenants, or other Persons aforesaid, to deduct the Tax so paid out of the Rent due, or to become due; or for the Tenant or Tenants, or other Persons aforesaid, to recover the same from the Owner or Owners, by Action of Debt, together with Costs of Suit. *Provided,* That nothing herein contained shall make void or alter any Contract, heretofore made between any Landlord and Tenant respecting the Payment of the Road Tax, or any Usage or Custom in respect to the Tenants paying the said Tax, now subsisting between Landlord and Tenant.

Supervisors to repair the Highways, &c.

X. *AND be it further enacted by the Authority aforesaid,* That the said Supervisors of the public Roads and Highways of the several Townships shall, and they are hereby required and enjoined, as often as the said several Roads and Highways within their respective Townships shall be out of Repair, or as often as any new Road shall be laid out, and directed to be opened by lawful Authority, to hire and employ a sufficient Number of Labourers to work upon, open, amend, clear

clear and repair the same, in the most effectual Manner, and to purchase Wood, and all other Materials, necessary for that Purpose; and to oversee the said Labourers, and take Care that the said Roads and Highways be effectually opened, cleared, amended and repaired, according to the true Intent and Meaning of this Act.

XI. AND in order to enable the said Supervisors the more effectually to discharge their Duty, *Be it enacted by the Authority aforesaid*, That it shall and may be lawful for the Supervisors aforesaid, or any other Person or Persons, by his or their Order and Direction, to enter upon any Lands adjoining to or lying near the public Roads and Highways, within their respective Townships, and to cut or open such Drains or Ditches through the same, as he or they shall judge necessary compleatly to carry off and drain the Water from such Roads, provided the same be done with as little Injury and Damage as may be to the Owner of such Lands; which Drains and Ditches, so cut and opened, shall be kept open by the said Supervisors, if necessary for amending the said Road, and shall not be stopt or filled up by the Owner or Owners thereof, or any other Person or Persons whatsoever, under the Penalty of *Five Pounds* for every such Offence.

And to enter upon Lands adjoining, to cut Drains or Ditches for carrying the Water off the same, &c.

XII. *AND be it further enacted by the Authority aforesaid*, That the said Supervisors shall have full Power and Authority, in any Ground or Lands adjoining the said public Roads and Highways, within their respective Townships, to dig, or cause to be dug, any Gravel, Sand or Stones, or to gather any loose Stones, lying on the said Lands, or cut down any Wood or Trees, growing in any Piece or Parcel of Woodland adjoining the said Roads, as he or they shall think necessary for the Purposes aforesaid, provided the same be done with as little Damage as may be to the Owner or Owners of such Land; and the same Sand, Gravel, Stones or Wood, so dug, gathered and cut, to carry off without the Lett, Hinderance or Controul of the Owner, he, the said Supervisor, paying or tendering to the said Owner so much Purchase Money, as they shall agree the same to be worth; and if the said Supervisor and Owner cannot agree upon the Price of the Materials so wanted for repairing the Roads as aforesaid, then, and in every such Case, so much Money shall be paid by the said Supervisors respectively, as any two indifferent Freeholders of the Township where such public Roads and Highways do lie, to be chosen by the Parties, shall estimate and adjudge to be the Value of the Materials so wanted for repairing the said Roads, in their respective Townships, as aforesaid.

The Manner of providing Materials for mending the Roads.

XIII. *AND be it further enacted by the Authority aforesaid*, That if any Person working on the Highways, or being with them, shall ask any Money, Drink, or any other Reward whatsoever, or shall by any Contrivance, Way or Means whatsoever, extort, or endeavour to extort, any Money or other Thing of or from any Person passing or travelling upon the said public Roads or Highways, he shall, for every such Offence, pay to the Supervisor or Supervisors of the said Township the Sum of *Three Shillings*, to be recovered by the said Supervisors respectively, in a summary Way, before any Justice of the Peace, and applied for and towards repairing the said Roads. And in case any Supervisor shall connive at any Person's asking and demanding any Reward from any Traveller as aforesaid, or shall himself extort, or endeavour to extort, any Money or other Thing from any Traveller as aforesaid, every such Supervisor shall forfeit and pay, for each Offence, the Sum of *Twenty Shillings*, to be recovered by any Person whatsoever, in Manner aforesaid, one Half to the Use of the Prosecutor, and the other Half to and for the Service of the said Roads.

Penalty on Persons, working on the Highways, asking or extorting Money from Travellers.

XIV. *AND be it further enacted by the Authority aforesaid*, That all and every Supervisor or Supervisors of the public Roads and Highways within this Province, who shall refuse or neglect to do and perform his or their Duty, as directed by this Act (not otherwise particularly provided for) shall be fined, and shall pay the Sum of *Three Pounds* for every such Offence, to be recovered in a summary Way before any Justice of the Peace of the County, and to be applied towards repairing the public Roads and Highways within their respective Townships, where such Fines and Penalties are incurred. *Provided always*, That if any such Supervisor or Supervisors shall conceive himself or themselves aggrieved by the Judgment of such Justice, he may appeal to the next County Court of

Penalty on Supervisor's Neglect of Duty, &c.

Quarter

Quarter Sessions, who shall, on the Petition of the Party, take such Order therein as to them shall appear just and reasonable, and the same shall be conclusive on all Parties.

Electors to choose four Freeholders, to settle the Supervisors Accounts, &c.

XV. *AND be it further enacted by the Authority aforesaid*, That at the Time and Place for choosing a Supervisor or Supervisors for each Township respectively as aforesaid, the Electors shall, and are hereby enjoined, yearly and every Year, to choose, by Tickets in Writing, four capable and discreet Freeholders or Inhabitants, qualified to elect as aforesaid, to settle and adjust the Accounts of the Supervisor or Supervisors, whose Offices shall be then about to expire; and the Person or Persons who shall have served the Office of Supervisor or Supervisors for the preceding Year shall, on the Twenty-fifth Day of *March* yearly, or within Six Days after, make up and produce fair and clear Accounts of all such Sums of Money by him or them expended on the Highways, and of all Sums of Money by him or them received by Virtue of any Assessment or otherwise, and of all Fines and Penalties due from themselves and others, which have come to their Hands; which Accounts shall be entered in a Book to be provided for that Purpose, and shall be attested on Oath or Affirmation by such Person or Persons, before any Justice of the Peace, if the said Freeholders or Inhabitants, or any three of them, shall require the same; and the said Freeholders or Inhabitants so chosen to settle the Accounts aforesaid, or any three of them, shall have full Power to adjust and settle such Accounts so produced to them as aforesaid, and to allow of such Charges and Sums only as they shall think to be just and reasonable; and if there shall appear to be any Money remaining in the Hands of the Person or Persons who shall have served as Supervisor or Supervisors as aforesaid, they shall, by Order in Writing, signed by them, or any three of them, direct the same to be paid to the succeeding Supervisor or Supervisors; but in case such Persons shall be found to be in Advance for Monies expended, and shall have carefully collected the Sums of Money assessed and imposed by Virtue of this Act, then the said Freeholders or Inhabitants so chosen to settle the Accounts aforesaid, or any three of them, shall, in like Manner, order the succeeding Supervisor or Supervisors to repay and reimburse the same, as soon as a sufficient Sum of Money shall have come to their Hands; and if any Person or Persons who shall have served the Office of Supervisor shall neglect or refuse to make up and produce fair and just Accounts as aforesaid, or, having made up and produced such Accounts, shall neglect or refuse forthwith to pay the Monies which he or they shall be ordered as aforesaid, or shall not deliver up the Book wherein such Accounts shall be entered to their Successors, it shall and may be lawful for any Justice of the Peace, on Complaint to him made by the said Freeholders or Inhabitants so chosen to settle the Accounts aforesaid, or any three of them, to commit such Delinquent or Delinquents to the County Goal, until he or they comply as aforesaid.

Persons aggrieved may appeal to the Court of Quarter Sessions, &c.

XVI. *PROVIDED always*, That if any Person shall think himself aggrieved by the Settlement of his Accounts as aforesaid, he may (having first paid over to his Successor or Successors the Ballance found in his Hands) appeal to the next Court of Quarter Sessions, who shall, on the Petition of the Party, take such Order therein, and give such Relief, as to them shall seem just and reasonable, and the same shall conclude and bind all Parties.

Persons sued for executing any Part of this Act, may plead the general Issue, &c.

XVII. *PROVIDED also*, That if any Person or Persons shall be sued or prosecuted for any Thing done in Pursuance of this Act, he or they may plead the General Issue, and give this Act, and the special Matter, in Evidence, for their Justification; and if the Plaintiff or Prosecutor become Non-suit, or forbear Prosecution, or suffer a Discontinuance, or if a Verdict pass against him in such Action or Suit, the Defendant shall have treble Costs, to be recovered as in Cases where Costs by Law are given to Defendants, and no such Suit or Prosecution shall be maintained, unless it be commenced within six Months after Cause given, or unless Security first be given for the Charges.

Part of a former Law, for erecting Bridges, &c. repealed.

XVIII. *AND be it further enacted by the Authority aforesaid*, That so much of the Act of General Assembly of this Province, made in the Twelfth Year of the Reign of His Majesty King WILLIAM the Third, intituled, *An Act for erecting Bridges, and maintaining Highways*, as directs every Overseer of the Highways

ways to summon all the Inhabitants of his respective Precinct, as from Time to Time he shall see Occasion, to come to such Place or Places as he should appoint, and so much of the said Act, as directs the Inhabitants so summoned to attend, and work upon the said Highways, shall be and are hereby repealed and made void.

XIX. *AND be it further enacted by the Authority aforesaid*, That one other Act of General Assembly of this Province, intituled, *An Additional Act for the better preserving the Highways*, passed in the Fourth Year of the Reign of Her late Majesty Queen ANNE, and every Article, Clause and Thing, therein contained, shall be and are hereby repealed and made void. Former additional Act for preserving the Highways made void.

XX. *AND be it further enacted by the Authority aforesaid*, That this Act shall continue in Force for the Term of Seven Years, and from thence to the End of the next Sitting of Assembly, and no longer. Limitation of this Act.

Passed March 21, 1772.

C A P. XVI.

An ACT for the more easy Recovery of Legacies.

FORASMUCH as the Act of General Assembly, intituled, *An Act for the more easy Recovery of Legacies*, is near expiring, and requires a few, but necessary Amendments, THEREFORE BE IT ENACTED by the Honourable RICHARD PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That from and after the Publication of this Act, it shall and may be lawful for any Person or Persons, to whom any Legacy or Bequest of any Sum or Sums of Money, or other Goods or Chattels, have been or may be made, by the last Will and Testament of any other Person or Persons legally made, to commence, sue and prosecute an Action upon the Case, Debt, Detinue or Account-render, as the Case may require, for such Legacy, after it becomes due, in any of the County Courts for holding of Pleas in any of the Counties within this Province. And if it shall appear that the Legacy or Legacies is or are due, and there be sufficient Assets in the Hands of the Executors or Administrators, with Testaments annexed, to discharge the just Debts of the Testator, and the Legacy or Legacies bequeathed, the Plaintiff or Plaintiffs shall recover, with Costs of Suit, any Law, Usage or Custom, to the contrary notwithstanding. Preamble.

II. *PROVIDED always*, That where it shall so happen that there are Assets in the Hands of any Executors or Administrators, with Testaments annexed, to discharge all the Debts of the Testator, with an Overplus not sufficient to discharge all the Legacies which may be given, then an Abatement shall be made in Proportion to the Legacies so given, unless it shall be otherwise provided by the Will. And where any Legatee or Legatees are or may be under Age at the Time when such Legacy or Legacies shall become due, in such Case such Legatee or Legatees shall and may maintain an Action for their respective Legacies, by Guardian or next Friend, as fully, amply and largely, as by Law they may do in any other Actions whatsoever. Legatees may commence, sue and prosecute an Action of Debt, &c.

III. *AND be it further enacted by the Authority aforesaid*, That the respective Courts where the said Actions shall be commenced, upon the Plea of the Want of Assets to pay all the Debts and Legacies, shall appoint Auditors to examine the Accounts of the Executors and Administrators, with Testaments annexed, who, after full hearing of the Parties, at such Times and Places as by them the said Auditors shall be appointed, with Notice to the Parties, shall report how the Accounts of the Executors or Administrators do stand, what Assets will remain after Payment of all the Debts, and what Part of the Remainder is the Proportion that ought to go towards paying off the Plaintiff's Legacies; for which Proportion only, unless it shall be otherwise provided by the Will, the Court shall then award Execution upon the Judgment to be had in the said Suit; which Judgment shall remain a Security for the Payment of the Remainder. Abatement to be made, where Assets not sufficient, &c.

Courts where Actions are commenced, upon Plea for Want of Assets, to appoint Auditors, &c.

der of the said Legacies and Costs, when sufficient Assets for the Payment thereof come to the Executors or Administrators Hands. And where any Exceptions shall be taken by either of the Parties to the Report of the Auditors, it shall and may be lawful for the Court in which the Action shall be depending, on hearing of the Parties, to correct and amend any Mistakes or Errors which may happen in the Accounts so to be reported.

No Suit to be maintained, until reasonable Demand made, &c.

IV. *PROVIDED always*, That no such Suit shall be maintained for any such Legacy until reasonable Demand made of the Executor or Executors, Administrator or Administrators, with Wills annexed, who ought to pay the same, and an Offer made of two sufficient Sureties to the said Executor or Executors, Administrator or Administrators aforesaid, who, if they think proper to accept thereof, shall become bound to them the said Executor or Executors, Administrator or Administrators aforesaid, in double the Sum of the Legacy given, where such Legacy is ascertained by the Will, and where not ascertained as aforesaid, in double such Sum as the Person or Persons shall think him, her or themselves justly intitled to, with Condition underwritten, that if any Part, or the Whole thereof, shall at any Time after appear to be wanting to discharge any Debt or Debts, Legacy or Legacies, which the said Executor or Executors, Administrator or Administrators, shall not have other Assets to pay, that then he, the said Legatee, will return his said Legacy, or such Part thereof as shall be necessary for the Payment of the said Debts, or the Payment of a proportional Part of the said Legacies. And if the said Executors or Administrators shall not think proper to accept of such Bond, then the said Legatees shall file the same with the Clerk of the Court, before obtaining any Process against the Executor or Executors, Administrator or Administrators; otherwise, and in Default thereof, the Process issued shall abate.

Costs how to be awarded, &c.

V. *AND be it further enacted by the Authority aforesaid*, That the Justices of the Courts aforesaid respectively, upon Consideration of the Report of the Accounts of the Executors or Administrators, shall, according to Justice and Equity, either award no Cost or Costs out of the Testator's Estate; or, in case the Executors or Administrators have been faulty in delaying to pay the Legacy demanded, or a proportional Part thereof, without a sufficient Excuse, then out of the proper Estate of the Executor or Executors, Administrator or Administrators, any Thing herein contained to the contrary notwithstanding.

Legatees to return a proportional Part.

VI. *PROVIDED also*, That where there are or may be several Legatees, and a Return of Part of the said Legacy sued for shall appear necessary, in such Case, each Legatee shall only be compelled to return a proportional Part of his Legacy, so as to make up the whole Sum wanting.

Time allowed for the Payment of Legacies.

VII. *PROVIDED also*, That where no Time in and by any last Will and Testament is limited for the Payment of any such Legacies, that then, and in such Case, the said Executors or Administrators shall have the Space of One Year to discharge the same.

Former Act repealed.

VIII. *AND be it further enacted by the Authority aforesaid*, That an Act of General Assembly, passed in the Fifth Year of His present Majesty's Reign, intituled, *An Act for the more easy Recovery of Legacies*, shall be and is hereby declared to be repealed.

Suits depending not to be discontinued by this Act.

IX. *PROVIDED always*, That nothing in this Act contained shall be deemed, taken or construed, to discontinue any Suit or Suits depending at and before the Publication of this Act, but that every such Suit or Suits may be prosecuted, notwithstanding the Repeal of the said recited Act, in the same Manner as they would have been prosecuted, had the said Law not been hereby repealed, but continued during the Time of prosecuting to Effect such Suit or Suits.

Limitation.

X. *AND be it enacted by the Authority aforesaid*, That this Act shall continue in Force for the Term of Seven Years, and from thence to the End of the next Session of Assembly; and no longer.

Passed March 21, 1772.

C A P. XVII.

An ACT to enable the Owners and Possessors of a certain Tract of Meadow Land, situate in the Borough of *Chester*, in the County of *Chester*, to keep their Dams, Banks, Sluices and Flood-gates in good Repair.

Passed March 21, 1772.—Private Act.

C A P. XVIII.

An ACT for the Support of the Government of this Province, making the Excise on Wine, Rum, Brandy and other Spirits, more equal, and preventing Frauds in the collecting and paying the said Excise.

WHEREAS it would be extremely distressing to the People of this Province, labouring under a heavy Burthen of Taxes for sinking the Bills of Credit emitted during the last War, and granted to His Majesty, for the Protection of His *American* Dominions, to impose on them an additional Rate or Tax, to be immediately levied on their real and personal Estates: And whereas it is necessary to raise a Sum of Money, for supporting the Honour of Government, discharging its Debts and incidental Expences, and preserving the public Credit, We, the Representatives of the Freemen of the said Province, do therefore pray that it may be enacted, AND BE IT ENACTED by the Honourable RICHARD PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That Bills of Credit, to the Value of *Twenty-five Thousand Pounds*, shall be prepared and printed, within Two Months next after the Passing of this Act, on good strong Paper, under the Care and Direction of *Joseph Fox, Michael Hillegas, William Rodman, and Isaac Pearson*, Esquires, or any three of them, the Charges whereof shall be paid by the Provincial Treasurer, out of the Monies arising, or to arise, by the Excise on Spirituous Liquors, directed to be levied and paid in Virtue of this Act. Which Bills of Credit shall be made and prepared in the Manner and Form following, viz,

£25,000 in
Bills of Credit to be
struck.

----- Shillings or Pence, Form of the
according to an Act of General Assembly of Pennsylvania, passed in the Twelfth Year of the Reign of His Majesty GEORGE the Third. dated the Third Day of April, Anno Domini One Thousand Seven Hundred and Seventy-two.



II. AND the said Bills shall have such like Escutcheons as in the Margin hereof, with such other Devices as the said *Joseph Fox, Michael Hillegas, William Rodman, and Isaac Pearson*, shall think proper, as well to prevent Counterfeits, as to distinguish their several and respective Denominations; each of which Bills shall be of the several and respective Denominations following, and no other, that is to say,

FIVE Thousand of the same Bills, the Sum of Forty Shillings in each of them.

THIRTY-THREE Thousand Nine Hundred and Sixty-two of the same Bills, the Sum of Two Shillings and Six-pence in each of them.

THIRTY-THREE Thousand Nine Hundred and Sixty-three of the same Bills, the Sum of Two Shillings in each of them. Their several Denominations.

THIRTY-THREE Thousand Nine Hundred and Sixty-two of the same Bills, the Sum of One Shilling and Six-pence in each of them.

THIRTY-THREE Thousand Nine Hundred and Sixty-two of the same Bills, the Sum of One Shilling in each of them.

THIRTY-THREE Thousand Nine Hundred and Sixty-two of the same Bills, the Sum of Nine-pence in each of them.

THIRTY-

THIRTY-THREE Thousand Nine Hundred and Sixty-two of the same Bills, the Sum of *Six-pence* in each of them.

THIRTY-THREE Thousand Nine Hundred and Sixty-three of the same Bills, the Sum of *Four-pence* in each of them.

THIRTY-THREE Thousand Nine Hundred and Sixty-two of the same Bills, the Sum of *Three-pence* in each of them.

Care to be taken that the Number of Bills be not exceeded, &c.

III. AND the said *Joseph Fox, Michael Hillegas, William Rodman, and Isaac Pearson*, shall use their best Care, Attention and Diligence, during the Printing of the said Bills, that the Number and Amount thereof, according to their respective Denominations aforesaid, be not exceeded; nor any clandestine or fraudulent Practice used by the Printer, his Servants, or others concerned therein.

Signers Names.

IV. AND for perfecting the said Bills, according to the true Intent and Meaning of this Act, *Be it enacted by the Authority aforesaid*, That all and every of the said Bills, the Denominations whereof shall be *One Shilling*, and upwards, shall be signed by any three of the Persons herein after mentioned; and that every of the said Bills, the Denominations whereof shall be under *One Shilling*, shall be signed by any one of the Persons herein after mentioned; that is to say, by *John Morton, Esq; Charles Humphreys, Esq; John Sellers, Esq; Isaac Cox, Joseph Sims, Thomas Clifford, Thomas Coombe, Thomas Fisher, Samuel Pleasants, Joseph Dean, Joseph Swift, Cadwalader Morris, Clement Biddle, Joel Evans, Anthony Morris, junior, Samuel Howell, junior, Adam Hubley, John Mifflin, Joseph Pemberton, Merchant, Samuel Hudson, James Wharton, Jeremiah Warder, junior, Benjamin Wynkoop, and Samuel Coates*, who are hereby nominated and appointed to be Signers of the said Bills, and shall, before they receive or sign any of them, take an Oath or Affirmation to the Effect following, *viz.*

Signers Qualification.

THAT they shall well and truly sign and number all the Bills, that shall come to their Hands for that Purpose, by the Direction of this Act; and the same, so signed and numbered, will deliver, or cause to be delivered, unto the said Joseph Fox, Michael Hillegas, William Rodman, and Isaac Pearson, or any three of them, pursuant to the Direction of this Act.

Committee of Assembly to deliver the Bills to the Signers, in Parcels, who are to give Receipts for the same &c.

V. AND for avoiding the Danger of Embezzlement or Misapplication of the said Bills of Credit, *Be it further enacted by the Authority aforesaid*, That the said *Joseph Fox, Michael Hillegas, William Rodman, and Isaac Pearson*, or any three of them, after the said Bills shall be printed, shall deliver them to the Signers aforesaid, to be signed and numbered, by Parcels, for which the said Signers, or some of them, shall give their Receipt; that is to say, *Three Thousand Pounds Value* in the said Bills, of the Denominations of *One Shilling*, and upwards, to any three of them at one Time, and *Three Thousand Pounds Value*, of the Denominations under *One Shilling*, to any one of them, at one Time, and so from Time to Time, until all the said Bills of Credit shall be signed and numbered, in such Manner, that not more than the Value of *Three Thousand Pounds* shall remain in such Signers Hands at one Time; of all which said Bills of Credit, so delivered to be signed, a true Account shall be kept by the Signers, who, upon their Re-delivery of each or any Parcel of the said Bills by them signed and numbered, shall take the Receipt of the said *Joseph Fox, Michael Hillegas, William Rodman, and Isaac Pearson*, or any three of them, to charge them before any Committee of Assembly to be appointed for that Purpose. And each of the said Signers shall receive *Ten Shillings* for every Thousand of the said Bills by them signed and numbered; and each of the said *Joseph Fox, Michael Hillegas, William Rodman, and Isaac Pearson*, shall have and receive for their Trouble the Sum of *Ten Shillings per Diem*; and the said Treasurer, for paying and receiving the said Bills of Credit, shall have and receive *Five Shillings* for every *Hundred Pounds*, and no more; to be paid and discharged by the Provincial Treasurer, out of the Monies arising by the Excise on Spirituous Liquors herein after mentioned.

Signers Allowance for their Trouble.

Bills, when signed, to be delivered to

VI. AND *be it further enacted by the Authority aforesaid*, That as soon as the said Bills shall be signed, numbered and perfected, the said *Joseph Fox, Michael Hillegas, William Rodman, and Isaac Pearson*, or any three of them, shall deliver them to the Provincial Treasurer, and take his Receipt or Receipts for

for the same; who shall therewith pay off and discharge all such Draughts and Certificates as have been heretofore made by Order of Assembly for public Debts. And if any Overplus shall remain, after Payment of the said Draughts and Certificates shall be discharged, such Overplus shall be disposed of by Act of General Assembly.

VII. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall presume to counterfeit any of the said Bills of Credit, made and issued by Virtue of this Act, by printing, or procuring the same to be printed, in the Likeness or Similitude of the said Bills of Credit; or if any Person or Persons shall forge the Name or Names of the Signers of the said true Bills of Credit to such Counterfeit Bills, whether the Counterfeiting of the said Bills of Credit or Names be done within this Province, or elsewhere, or shall utter such Bills, knowing them to be counterfeited as aforesaid, and being thereof legally convicted, by Confession, standing mute, or by the Verdict of Twelve Men, in any Court of Oyer and Terminer within this Province, he, she or they shall suffer Death, without Benefit of Clergy; and the Discoverer or Informer shall have, as an Encouragement to his Discovery, the Sum of *Fifty Pounds*, of the Value of the Goods and Chattels, Lands and Tenements, of the Person or Persons convicted; and if no such Goods and Chattels, Lands and Tenements, can be found, the Sum of *Ten Pounds*, to be paid by the Provincial Treasurer. And if any Person or Persons shall counterfeit any of the said Bills of Credit, by altering the Denomination thereof, with Design to increase the Value of the said Bills, or shall utter such Bills, knowing them to be so counterfeited or altered, and shall thereof be legally convicted in any Court of Quarter Sessions of the Peace within this Province, every such Person and Persons shall be sentenced to the Pillory, have both of his or her Ears cut off, and nailed to the Pillory, and be publicly whipt on his or her bare Back, with Thirty-nine Lashes, well laid on; and moreover, every such Offender shall forfeit the Sum of *One Hundred Pounds*, to be levied on his or her Lands, Tenements, Goods and Chattels, one Half thereof to the Use of the Governor, and the other Half to the Discoverer; and the Offender shall pay to the Party grieved double the Value of the Damages thereby sustained, together with the Costs and Charges of the Prosecution; and in case the Offender shall not have sufficient to satisfy such Discoverer for his or her Damages, and pay the Forfeiture aforesaid, he or she shall be sold for any Term, not exceeding seven Years, to make such Satisfaction; and in such Case, the said Discoverer shall be paid by the Province the Sum of *Ten Pounds*; and every such counterfeit Bill shall be delivered to the said Treasurer, to be made use of upon the Trial of the Person accused or suspected, and afterwards to be burnt, sunk and destroyed, in the Presence of a Committee of Assembly.

VIII. *AND* whereas, by a certain Act of General Assembly, passed in the Third Year of the Reign of His present Majesty, intituled, *An Act for granting to His Majesty the Sum of Twenty-four Thousand Pounds, for the Defence and Protection of this Province, and for other Purposes therein mentioned*, so much of a certain other Act of General Assembly, passed in the Thirtieth Year of the Reign of His late Majesty GEORGE the Second, intituled, *An Act for striking the Sum of Thirty Thousand Pounds in Bills of Credit, and giving the same to the King's Use, and for providing a Fund to sink the Bills so to be emitted, by laying an Excise upon Wine, Rum, Brandy and other Spirits*, as relates to the raising, levying, collecting and paying the Excise upon Wine, Rum, Brandy and other Spirits, was extended and continued from the Time limited in and by the same Act for and during the Term of Three Years, and from thence to the End of the next Sitting of Assembly, in order to secure and assure the Disposition and Application of the Sum of *Seven Thousand Pounds*, to and for the Protection of the City of *Philadelphia* (to and for which Purpose the same was by Law granted to His Majesty) when it should become necessary.

IX. *AND* whereas, by another Act of General Assembly, passed in the Seventh Year of His Majesty's Reign, intituled, *An Act for raising the Sum of Twenty Thousand Pounds, for the Support of the Government of this Province, and Payment of the public Debts*, so much of the said Act, intituled, *An Act for striking Thirty Thousand Pounds in Bills of Credit, &c.* as relates to the

the Provincial Treasurer, &c.

Counterfeiters, or Utterers of counterfeit Bills, to suffer Death.

Discoverer's Reward.

Persons altering Bills how punished, &c.

raising, levying, collecting and paying the Excise upon Wine, Rum, Brandy and other Spirits, was continued and extended from the Time limited in and by the said herein last recited Act for and during the further Term of Four Years, and from thence to the End of the next Sitting of Assembly, in order to sink the Bills of Credit by the same Act emitted.

X. AND whereas, by another Act of General Assembly, passed in the Eighth Year of His present Majesty's Reign, intituled, *An Act for raising and applying the Sum of Three Thousand Pounds, towards removing the present Discontent of the Indians, regaining their Friendship, and for other Purposes therein mentioned*, so much of the said Act, intituled, *An Act for striking the Sum of Thirty Thousand Pounds in Bills of Credit*, &c. as relates to the raising, levying and collecting the Excise upon Wine, Rum, Brandy and other Spirituous Liquors, was continued and extended from the Time limited in and by the said herein before last recited Act for and during the further Term of One Year, and from thence to the End of the next Sitting of Assembly, in order to sink the Bills of Credit appropriated and applied to the Uses and Purposes therein mentioned.

XI. AND whereas, by one other Act of General Assembly, passed in the Ninth Year of his present Majesty's Reign, intituled, *An Act for raising the Sum of Sixteen Thousand Pounds, for the Support of the Government of this Province, and Payment of the public Debts, and other Purposes therein mentioned*, so much of the said Act, intituled, *An Act for striking the Sum of Thirty Thousand Pounds in Bills of Credit*, &c. as relates to the raising, levying and collecting the said Excise upon Wine, Rum, Brandy and other Spirits, was continued and extended from the Time limited in and by the said last recited Act for and during the further Term of Four Years, and from thence to the End of the next Sitting of Assembly, for sinking the Bills of Credit by the same Act emitted.

XII. AND whereas it is expedient, for the more certain sinking and discharging the said Bills of Credit hereby emitted, together with all such other Bills as have been heretofore emitted in and by Virtue of the said several recited Acts, continuing the Excise on Spirituous Liquors, which remain undischarged, that a Rate, Duty and Sum of *Four-pence per Gallon*, be imposed and levied on all Wine, Rum, Brandy and other Spirits, bartered, sold or consumed within this Province, except as herein after is excepted, *Therefore be it enacted by the Authority aforesaid*, That from and after the Tenth Day of *April*, next ensuing the Publication of this Act, there shall be raised, levied, collected and paid, the Rate, Duty and Sum of *Four-pence per Gallon*, and so in Proportion for any greater or lesser Quantity, for all Wine, Rum, Brandy and other Spirits, bartered, sold or consumed within this Province (Wine, Rum, Brandy and other Spirits, made or distilled from the natural Products of this Province, for the private Use of the Owner, and Wine, Rum, Brandy and other Spirits, entered for Exportation out of this Province, and exported accordingly, only excepted.)

Four-pence per Gallon Duty laid on all Wine, Rum, Brandy and other Spirits, &c.

Liquors sold, above 20 Gallons at one Time, to be deemed by Wholesale; if under, by Retail.

Retailers to enter their Names, &c. with the Collector, &c.

XIII. *AND be it further enacted by the Authority aforesaid*, That from and after the said Tenth Day of *April*, every Person who shall sell, barter or dispose of all or any the Liquors aforesaid, by any Quantity above Twenty Gallons at one Time, shall be deemed a Seller by Wholesale; and that every Person who shall sell, barter or dispose of all or any of the Liquors aforesaid, by any less Quantity at one Time, shall be deemed Retailers within the true Intent and Meaning of this Act. And that every Retailer of all or any of the said Liquors shall, before he, she or they shall draw, barter, sell or dispose of the same, or any Part of them, enter his, her or their Name or Names, and Places of Abode, with the said Collector of Excise for the County where he, she or they shall reside, or with the Deputy of such Collector, in a Book to be kept by them for that Purpose; and shall take and have a Permit for selling the said Liquors by Retail, under the Penalty of forfeiting the Value of all such Liquors as shall be sold by such Person or Persons, selling by Retail without such Entry and Permit.

XIV. *AND be it further enacted by the Authority aforesaid*, That every such Wholesale Dealer and Retailer, who shall purchase any of the Liquors aforesaid within this Province, and every Person and Persons purchasing any such Liquors of and from the said Dealers by Wholesale for his, her or their private Use, shall,

shall, before they, or any of them, their, or any of their Agents or Servants, shall load, or cause the same to be loaded, into any Vessel, Cart, Waggon, Dray or other Carriage, for Transportation, and before they, or any of them, shall remove, or cause the same to be removed from the House, Cellar, Vault, Shop, Store or other Place, where purchased, make a just and true Entry with the Collector of the Excise for the City and County of *Philadelphia*, if there purchased, otherwise with the Collector of the Excise for the County where the same shall be purchased, of his, her or their Name or Names, and the Name of the Township and County where he, she or they shall reside, and of all and every Cask, or other Vessel, in which such Liquors are contained, with the Marks, Numbers and true Contents thereof; and of the Name or Names of the Person or Persons of whom purchased, under the Penalty of forfeiting all such Liquors so loaded or removed, and not truly entered as aforesaid. And that no Person or Persons whatsoever, of whom any Quantity of the Liquors aforesaid, above Twenty Gallons, shall be so purchased at one Time, shall deliver, or cause or suffer the same to be delivered, to the Purchaser or Purchasers thereof, or to his, her or their Agents or Servants, or any of them, before the said Liquors shall be duly entered, in the Manner and with the Collector aforesaid, under the Penalty of *Fifteen Pounds* for every Hundred Gallons, and so in Proportion for any greater or lesser Quantity of the Liquors aforesaid, so as aforesaid delivered, or caused or suffered to be delivered, contrary to the true Intent and Meaning of this Act, to be recovered in any Court of Record within this Province, by Bill, Complaint or Information, wherein no Effoin, Protection, Wager of Law, nor more than one Imparlance, shall be allowed.

Penalty on Persons purchasing Liquors, not entering the same with the Collector, &c.

Penalty on the Seller delivering the same, before such Entry.

XV. *AND be it further enacted by the Authority aforesaid*, That where any of the Liquors aforesaid shall be purchased by Wholesale in the City or County of *Philadelphia*, with Design to transport and sell, or consume the same in any other County within this Province, the Collector of the said City and County shall deliver to the Purchaser, at the Time of making the Entry aforesaid, a Certificate, under his Hand, to the Collector of such other County where the same is intended to be transported, sold or consumed, of the Entries so as aforesaid made in his Office, with an Account of the Sum and Sums of Money by such Purchaser paid, if any; for which Entry and Certificate the said Collector shall receive *Six-pence*, and no more. And the said Collector of the City and County of *Philadelphia* shall moreover, once in every Three Months, transmit to the Collectors of the several other Counties within this Province respectively, a full and true Account, under his Hand, of all Entries in his Office made of the Liquors aforesaid, and of the Sum and Sums of Money paid, from Time to Time, by the Purchasers, in order that the Rates and Duties aforesaid remaining unpaid may be duly collected, and Frauds, against the true Intent and Meaning of this Act, more easily detected.

Liquors purchased in *Philadelphia* to be consumed in any County of this Province, Collector to deliver a Certificate, &c.

XVI. *AND be it further enacted by the Authority aforesaid*, That all and every Seller by Wholesale, or Retailer of all or any of the Liquors aforesaid, who shall purchase the same in the Province of *New-Jersey* or *Maryland*, or in the *Three Lower Counties* on *Delaware*, or in any Place in the River or Bay of *Delaware*, shall also, from and after the said Tenth Day of *April* next ensuing the Publication of this Act, before he or they shall take into his or their Houses, Shops, Cellars, Vaults or Stores, or divide or sell, barter or consume any Quantity thereof, make true Entry of all and every Cask and Vessel, in which such Liquors are contained, with the Marks, Numbers and Contents thereof, and of the Name or Names of the Person or Persons of whom purchased, with the Collector of the County, or his Deputy, where such Liquors are brought or intended to be bartered, sold, divided or consumed, or with a Justice of the Peace, living next to such Purchasers, under the same Penalty as if such Liquors had been bought within this Province, and not entered as this Act directs; true Copies of which said Entries the said Justice shall, once in every three Months, transmit or deliver to the said Collector, or his Deputy; for each of which Entries the said Justice, or Collector, or his Deputy, shall have and receive *Six-pence*; and the said Justice for such Copies *Six-pence*, and no more.

Wholesale Dealers, or Retailers, purchasing Liquors in *New-Jersey*, &c. to enter the same, &c.

XVII. *AND*

Persons importing Liquors for their own Use, to enter the same, &c.

XVII. *AND be it further enacted by the Authority aforesaid*, That where any Person or Persons shall import any of the Liquors aforesaid for his, her or their private Use, or shall apply to his, her or their private Use, any Liquors imported for Sale, every such Person or Persons shall, before he or they shall draw the same, or any Part thereof, for such Use, enter the said Liquors, in the same Manner, with the Collector of the County, or his Deputy, where such Liquors shall be so drawn or used, as is herein before directed as to Liquors purchased within this Province, under the Penalty of forfeiting all such Liquors not entered as aforesaid, with the Value thereof, for every such Offence. And if it shall appear to any Justice of the Peace, on the Oath or Affirmation of such Collector, or his Deputy, or any other credible Person, that there is Cause to suspect that any such Person or Persons have drawn any such Liquors, before Entry as aforesaid, it shall and may be lawful, and the said Justice is hereby empowered to issue his Warrant, authorising the said Collector, with the Sheriff, Under-sheriff, or any Constable, whom he shall take to his Assistance, to enter, in the Day Time, and, if Necessity requires, to break open any Door of any House, Store, Shop, Cellar, Vault or other Room of such Offender, to search for, discover and seize the Liquors so forfeited.

Duties for all Liquors above 20, and not exceeding 80 Gallons, to be paid at the Time of Entry, &c.

XVIII. *AND be it further enacted by the Authority aforesaid*, That all Rates, Duties and Sums of Money, arising on all or any of the Liquors aforesaid, purchased by any Quantity above Twenty and not exceeding Eighty Gallons at one Time, shall be paid by the Purchaser to the Collector for the County where the same shall be purchased, at the Time of entering such Liquors as aforesaid. And that the Rates, Duties and Sums of Money, arising on all or any of the Liquors aforesaid, purchased at one Time, by any Quantity above Eighty Gallons, shall, in Three Months after the Purchase, be paid by the Purchaser to the Collector for the County where the same shall be sold, used or drawn, under the Penalty of *Ten Shillings* for every Neglect or Refusal. And that all the Rates, Duties and Sums of Money, arising on any of the Liquors aforesaid, retailed by the Quantity of Twenty Gallons, and less, at one Time, shall, once in every Three Months, be paid for by the Retailer thereof to the Collector of the County where sold, unless the same shall have been paid at the Time of the Entry of such Liquors to the Collector of the County where purchased as aforesaid. *Provided always nevertheless*, That where any such Person or Persons selling all or any of the Liquors aforesaid by Wholesale shall purchase the same within this Province, by any Quantity above Eighty Gallons, and shall by Entry thereof be charged with the Rates, Duties and Sums of Money arising thereon, it shall and may be lawful to and for every such Person and Persons, once in every Six Months, to discharge him, her or themselves of and from the Payment of the said Rates, Duties and Sums of Money, arising on all such of the said Liquors as he, she or they shall sell or barter, by the Entries to be made in Pursuance of the Directions of this Act, at the Time of the Sale thereof, and a just and true Return of the said Liquors remaining unfold. And the Collectors aforesaid respectively shall, and they are hereby required to levy, collect, recover and receive the same of and from the Purchaser or Purchasers thereof, in the Manner enjoined by this Act.

Retailers to pay Three Pounds per Annum.

XIX. *PROVIDED always, and be it further enacted by the Authority aforesaid*, That no such Permit shall be granted to any Person or Persons (Distillers of Spirits from the natural Products of this Province only excepted) to retail any of the Liquors aforesaid, unless such Retailer shall first agree, and give sufficient Surety, that he will well and truly pay to such Collector, as much Money as shall make up the Rates and Duties arising on the Quantity of Liquors he shall retail in One Year, or in any less Time, should he not continue to retail Liquors throughout the Year, the Sum of *Three Pounds*.

Retailers to make true Entries.

XX. *AND be it further enacted by the Authority aforesaid*, That all and every Retailer and Retailers are hereby enjoined, once in every Three Months, or oftener if required, to make true and particular Entries with the Collectors, or their Deputies aforesaid respectively, upon Oath or Affirmation (which the said Collectors and their Deputies, or any Justice of the Peace, are hereby fully authorised and enjoined to administer) of all the Wine, Rum, Brandy or other
- Spirits,

Spirits, which they, or any of them, have purchased or had in their Possession within that Time; and that they had not sold or bartered more of such Liquors than by them returned, and so from Time to Time, during the Continuance of their Sale, under the Penalty of *Five Pounds* for every Neglect or Refusal. And the said Retailers shall also, and are hereby enjoined to account for and pay to the said Collectors, or their Deputies respectively, once in every Three Months, or oftener if required, all such Rates and Sums of Money as shall become due and payable by them, by Virtue of this Act, under the Penalty of *Forty Shillings* for every Refusal, and have their Permits or Licences taken away, and are hereby declared incapable to be Retailers of Liquors as aforesaid, during the Continuance of this Act.

And pay
once in three
Months, &c.

XXI. *AND be it further enacted by the Authority aforesaid,* That all and every Retailer and Retailers of all or any of the Liquors aforesaid shall, at the Time of entering his, her or their Name or Names, and Places of Abode, as aforesaid, with the said Officers, give unto the said Collectors, or their Deputies respectively, an exact and true Account of all Wine, Rum, Brandy and other Spirits, which shall be in their Possession, or in the Possession of any other Person or Persons in Trust for them, at the Time of the Entry aforesaid, and of whom purchased, under the Penalty of forfeiting all such Liquors; for which Entry the said Officers shall have *Six-pence*, and no more.

True Ac-
count of all
Liquors to be
given to the
Collectors.

XXII. *AND be it further enacted by the Authority aforesaid,* That it shall and may be lawful to and for the said Collectors respectively, and their Deputies, and they are hereby authorised and impowered, at any Time when they shall see convenient, to enter, in the Day Time, the House, Store, Shop, Cellar, Vault, or any other Room or Place, of any such Retailer or Retailers, and to compare the Liquors there, or in any other Place found, with the Entries made, and to seize, take and carry away all such Liquors, as shall be not truly entered, or otherwise forfeited by Virtue of this Act. And if it shall be found impracticable or inconvenient to take away the said Liquors from the Place where they shall be so as aforesaid seized, the Collector, or Deputy Collector, seizing the same, in every such Case, shall ascertain the Quantity of such Liquors, by gauging the same, and the Owner or Owners thereof shall pay to the said Collector, or Deputy, the Value thereof, at and according to the current Price of the said Liquors at *Philadelphia*, at the Time of making such Seizure.

Collectors
may enter
Houses, &c.
and seize Li-
quors not
truly enter-
ed, &c.

XXIII. *AND be it further enacted by the Authority aforesaid,* That it shall and may be lawful for the said respective Collectors, or their Deputies, to enter, in the Day Time, into any House, Store, Shop, Cellar, Vault, Room or other Place, of any Person or Persons retailing any of the Liquors aforesaid, either by Licence or Permit, to search for, examine and gauge the same, as often as they shall see fit, and if any such Retailers shall refuse them the Liberty so to do, or shall oppose or resist them in Discharge of their said Duty, they shall and may break open any Doors, and if Occasion or Necessity requires, take to their Assistance the Sheriff, or one or more Constable or Constables of the City or County respectively, who, without any further or other Warrant, are hereby, under the Penalty of *Five Pounds* for every Refusal or Neglect, required to be aiding and assisting therein to the said Collectors and their Deputies, for the better and more effectual collecting the Rates, Duties, Penalties and Forfeitures, imposed by this Act.

Penalty on
Sheriff, &c.
refusing to as-
sist the Col-
lectors.

XXIV. *AND be it further enacted by the Authority aforesaid,* That in all Cases where any Seizure shall be made by any of the said Collectors, or their Deputies, of any of the Liquors aforesaid, in Pursuance of this Act, the Burthen of the Proof shall lie on the Owner or Owners thereof.

In Cases of
Seizure,
Proof to lie
on the Owner.

XXV. *PROVIDED always, and be it further enacted by the Authority aforesaid,* That there shall be allowed by the Collectors, or their Deputies respectively, unto such Person and Persons as shall sell the Liquors aforesaid, *Ten per Cent.* for Leakage and Wastage of the Liquors by them bought or sold; and if any Cask should happen to break, start or burst, no Rate or Duty shall be charged for so much of the Liquors as shall be proved by the Owner or Owners thereof to be thereby lost.

Allowance
for Leakage.

Persons re-
fusing to pay
the Rates,
Collectors
may levy the
same by
Distress.

XXVI. *AND be it further enacted by the Authority aforesaid*, That if the Person or Persons, liable to pay the Rates and Duties arising on any of the Liquors aforesaid, shall neglect or refuse to pay the same, in the Manner, and at the Times herein limited and appointed, it shall and may be lawful for the said Collectors or their Deputies respectively (by Virtue of a special Warrant for that Purpose, signed and sealed by any one Justice of the Peace) to levy the same by Distress and Sale of the Offender or Offenders Goods and Chattels, rendering the Overplus, if any, to the Owner or Owners, after reasonable Charges are deducted.

Justices may
summon by
distress.

XXVII. *AND*, for the better Discovery of Frauds, *Be it further enacted by the Authority aforesaid*, That it shall and may be lawful for any Justice of the Peace within this Province, upon Application to him made by any of the Collectors aforesaid, or their Deputies, to summon any Person or Persons to appear before him, at such Time and Place as he shall appoint, to give Evidence, upon Oath or Affirmation, for the Discovery of Frauds and Abuses against this Act. And if any Person or Persons so summoned shall neglect or refuse to appear, and give Evidence as aforesaid, it shall and may be lawful to and for such Justice to issue his Warrant, for apprehending such Person or Persons so offending, and bringing him, her or them before him, and thereupon to commit such Offender or Offenders to the Goal of the County, where he shall remain without Bail or Main-prize until he shall consent to be examined, and give Evidence, as this Act directs.

Collectors,
&c. to take
an Oath or
Affirmation.

XXVIII. *AND be it further enacted by the Authority aforesaid*, That from and after the said Tenth Day of *April*, no Collector already appointed, or hereafter to be appointed, nor any of their Deputies, shall enter upon the Duties of his Office, before he shall take the following Oath or Affirmation, before some Justice of the Peace of the County for which he shall be the Collector.

THAT he will truly and faithfully execute the Office of Collector, or Deputy Collector of Excise, for the County of ----- without Favour or Affection to any, and shall, from Time to Time, truly account with the Provincial Treasurer, for the Time being, for all Monies which he shall receive, and truly pay to the said Treasurer, so much thereof as he ought to pay, in Pursuance of the several Acts of Assembly which relate to the raising, levying and paying the Excise on Wine, Rum, Brandy and other Spirits.

Part of a former Act
repealed.

XXIX. *AND be it further enacted by the Authority aforesaid*, That from and after the said Tenth Day of *April*, next ensuing the Publication of this Act, the Rate or Sum of *Four-pence per Gallon*, imposed on Wine, Rum, Brandy and other Spirits, in and by Virtue of the Act of General Assembly, passed in the Thirtieth Year of His late Majesty GEORGE the Second, intituled, *An Act for striking the Sum of Thirty Thousand Pounds in Bills of Credit, and giving the same to the King's Use, and for providing a Fund to sink the Bills so to be emitted, by laying an Excise upon Wine, Rum, Brandy and other Spirits*, shall cease, and be no more raised, levied, collected or paid, and that so much of the said Act as is hereby altered or supplied shall be repealed, nulled and void; but that all and every the Powers, Authorities, Jurisdictions, Penalties, Articles, Clauses, Matters and Things, in the said Act contained and enacted, relative to the Excise thereby imposed, not hereby altered or supplied, from and after the said Tenth Day of *April* next, shall be, and the same are hereby continued and declared in full Force and Virtue during the Continuance of this Act, and shall be applied, exercised and put in Execution, for the raising, levying, collecting, recovering, and paying the Rates, Duties and Sums of Money, hereby directed to be raised, levied, collected and paid, to all Intents and Purposes, as if the same were herein inserted, and particularly enacted, and applied to the said Purposes, any Thing in the said Act to the contrary notwithstanding.

XXX. *AND*, in order to secure the Payment and Discharge of the said Bills of Credit hereby emitted, together with all such other Bills of Credit as have been heretofore emitted by the said several recited Acts, for continuing the Excise on Wine, Rum, Brandy and other Spirits, with all convenient Speed, *Be it further enacted by the Authority aforesaid*, That the Provincial Treasurer shall, and he is hereby enjoined and required, out of the Monies arising by this Act,

Act, which shall be in his Hands, from Time to Time, within the Term of Ten Years from and after the said Tenth Day of *April*, next ensuing the Publication hereof, to pay off and discharge all and every the Bills of Credit made and emitted by Virtue of this Act, together with all such other Bills of Credit, as have been heretofore emitted in and by Virtue of the said several recited Acts, and remain undischarged, and as the said Bills of Credit shall come to his Hands, yearly and every Year, deliver the same to such Committees of Assembly, as shall be annually appointed to settle the public Accounts, to be by them burnt, sunk and destroyed.

Manner of
applying the
Money
arising by
this Act.

XXXI. *PROVIDED* always, and be it further enacted by the Authority *Proviso, in* *case of Defi-*
aforesaid, That if the said Rates, Duties and Sums of Money, by this Act di-
rected to be raised, levied and paid, during the Term of Ten Years *ciency or*
aforesaid from the said Tenth Day of *April*, next ensuing the Publication hereof, shall *Surplus.*
not be sufficient to pay off and discharge the Bills of Credit hereby directed to
be emitted, together with all such other Bills of Credit as have been hereto-
fore emitted by the said several recited Acts, for continuing the Excise on the
said Liquors, and the other Purposes in this and the said Acts mentioned, in
such Case, this Act, and every Article, Clause, Matter and Thing therein con-
tained, shall be, and is hereby declared to be in full Force and Virtue, until
all the Purposes *aforesaid* shall be fully answered and compleated. And if the
said Rates and Sums of Money shall produce more than sufficient for the Pur-
poses *aforesaid*, the Overplus shall remain in the Hands of the Provincial Treas-
urer, to be disposed of by Act of General Assembly.

XXXII. *AND* be it further enacted by the Authority *aforesaid*, That so much
of the said several Acts of General Assembly, continuing the Excise *aforesaid* Part of for-
mer Acts
on Wine, Rum, Brandy and other Spirits, herein before recited, as relates to repealed.
the extending and further continuing the said Excise, shall be, and is hereby
declared to be repealed, and made null and void, from and after the said Tenth
Day of *April*, next ensuing the Publication hereof.

Passed March 21, 1772.

C A P. XIX.

An A C T to prevent Frauds and Abuses in the Manufacturing of Leather.

Passed March 21, 1772.—Repealed by 13 GEO. III. c. 7.

C A P. XX.

An A C T for explaining and better ascertaining the Boundary
Lines of the County of *Bedford*.

WHEREAS by an Act of General Assembly of this Province, intituled, *Preamble.*
An Act for erecting a Part of the County of Cumberland into a separate
County, passed in the Eleventh Year of the present Reign, it was enacted, That
all and singular the Lands, lying and being within the Boundaries following,
that is to say, Beginning where the Province Line crosses the *Tuscarora Moun-*
tain, and running along the Summit of that Mountain to the Gap, near the
Head of the *Path Valley*; thence with a North Line to the *Juniata*; thence
with the *Juniata* to the Mouth of *Shaver's Creek*; thence North-east to the
Line of *Berks County*; then along the *Berks County* Line North-westward to
the Western Bounds of the Province; thence Southward, according to the se-
veral Courses of the Western Boundary of the Province, to the South-west
Corner of the Province; and from thence Eastward, with the Southern Line of
the Province, to the Place of Beginning. But forasmuch as the *Tuscarora Moun-*
tain does not extend to the Province Line, and the Southern Boundaries *afore-*
said are not properly described, the Lines of the County of *Bedford* cannot be
known and run by the Trustees appointed for that Purpose; To the End there-
fore that the Boundaries of the said County of *Bedford* may be certainly known,
BE IT ENACTED by the Honourable RICHARD PENN, Esq; Lieu-
tenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN,
Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by
and with the Advice and Consent of the Representatives of the Freemen of the
said

Boundary
Lines ascer-
tained.

said Province, in General Assembly met, and by the Authority of the same, That the Lines following, *to wit*, Beginning where the Province Line crosses the *North* or *Blue Mountain*, that runs between the *Great* and *Little Coves*, and that Part of *Cumberland County* called *Connegocheague*; and thence along the Summit of the said Mountain to the Beginning of the *Tuscarora Mountain*, and running along the Summit of the said *Tuscarora Mountain* to the Gap, near the Head of the *Path Valley*; from thence a North Line to the *Juniata River*; thence up the *Juniata* to the Mountain that divides the *Kishicocolus Valley* from the *Standing Stone Valley*, and along the Summit of that Mountain to the Head of the *Standing Stone Creek*; from thence North-east to the Line of *Berks County*; thence by *Berks County* Line to the Western Bounds of the Province; thence Southward, according to the several Courses of the Western Boundary of the Province, to the South-west Corner thereof; and from thence with other Boundaries of the Province to the Place of Beginning; shall be, and are hereby declared to be, the Boundary Lines of the said County of *Bedford*, any Thing in the said recited Act to the contrary notwithstanding.

Persons ap-
pointed to
run Boun-
dary Lines,
&c.

II. AND, to the End the Boundaries of the said Counties of *Cumberland* and *Bedford* may be better ascertained and known, *Be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for *George Woods*, *William Elliott*, *Robert Moore*, and *Robert M'Crea*, or a Majority of them, and they are hereby required and enjoined, within the Space of Six Months next after the Publication of this Act, to assemble themselves together, and run, mark out and distinguish the Boundary Lines of the said Counties of *Bedford* and *Cumberland*, and the Charges to arise for the doing thereof shall be defrayed by the said County of *Bedford*, and to that End levied and raised by the Inhabitants thereof, in such Manner as other public Money for the Use of the said County by Law ought to be raised and levied. *Provided*, That nothing herein contained shall be deemed or taken to disannul or make void the said recited Act, or any Clause, Article, Matter or Thing therein contained, except what is hereby altered or supplied; but that the same Articles, Clauses, Matters and Things, not hereby altered or supplied, shall be and remain in full Force and Virtue.

Passed March 21, 1772.

C A P. XXI.

An A C T for vesting a certain Tract of Four Hundred and Fifty Acres of Land, situate in *Frederick Township*, in the County of *Philadelphia*, commonly called *The Perkioming Copper Mine Tract*, in Trustees, to be sold, and for other Purposes therein mentioned.

Passed March 21, 1772.—Private Act.

C A P. XXII.

An A C T for the Relief of such Persons, as conscientiously scruple the taking of an Oath in the common Form.

Preamble.

WHEREAS it is enacted and declared, in and by the Act of General Assembly, passed in the Twelfth and Thirteenth Years of His Majesty WILLIAM the Third, intituled, *An Act concerning Liberty of Conscience*, “ That “ no Person, dwelling or residing within this Province, who shall profess Faith “ in GOD the Father, and in JESUS CHRIST, his only Son, and in “ the HOLY SPIRIT, one God blessed for evermore, and shall acknow- “ ledge the Holy Scriptures of the *Old* and *New Testament* to be given by Divine “ Inspiration, and when lawfully required shall profess and declare, that they “ will live peaceably under the Civil Government, shall not in any Case be mo- “ lested or prejudiced for his or her conscientious Persuasion, but shall freely “ and fully enjoy his or her Christian Liberty, in all Respects, without Mo- “ lestation or Interruption.” And whereas many of the Protestant Inhabitants of this Province, who make the said Professions of Religion, and live peaceably under the Government thereof, cannot, for Conscience Sake, take an Oath in the common Form, by laying the Hand upon and kissing the Book, when thereto legally required, some of whom, by Reason thereof, have suffered Im- prisonment,

prisonment, and yet do not scruple to take an Oath in the Manner and Form herein after specified. And forasmuch as Justice cannot be well administered in many Cases without their Assistance; BE IT THEREFORE ENACTED by the Honourable RICHARD PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all and all Manner of Crimes, Offences, Matters, Causes and Things whatsoever, to be enquired of, heard, tried and determined, or done or performed by Virtue of any Law in this Province, or otherwise, shall and may be enquired of, heard, tried and determined, by Judges, Justices, Witnesses and Inquest, and all other Persons qualifying themselves, according to their conscientious Persuasions respectively, either by taking the solemn Affirmation, or any Oath in the usual and common Form, by laying the Hand upon and kissing the Book, or by lifting up the Right Hand, and pronouncing or assenting to the following Words; *I, A. B. do swear by Almighty God, the Searcher of all Hearts, that I will*

Persons qualifying according to their conscientious Persuasions, to have the Effect of an Oath.

And that as I shall answer to God at the great Day. Which Oath, so taken by Persons who conscientiously refuse to take an Oath in the common Form, shall be deemed and taken in Law to have the same Effect with an Oath taken in the common Form.

II. *AND be it further enacted by the Authority aforesaid,* That if any Person or Persons shall be legally convicted of taking a false Oath, in the Form herein particularly prescribed, every such Person or Persons so offending shall incur and suffer the same Pains, Penalties, Disabilities and Forfeitures, as Persons convicted of wilful and corrupt Perjury do incur and suffer by the Laws of *Great-Britain*.

Penalty on taking a false Oath.

III. *PROVIDED always nevertheless,* That nothing in this Act contained shall be held, deemed or construed to extend, to enable any such Person or Persons to receive, take or exercise any Office, judicial or ministerial, before he or they shall take the Oath or Oaths to the Government, usually taken by such Officers before they enter upon the Duties of their Offices, in the Form herein before particularly prescribed.

Passed March 21, 1772.

C A P. XXIII.

An ACT for granting to His Majesty the Sum of *Four Thousand Pounds*, for the Purposes therein mentioned.

Passed March 21, 1772.—Obsolete.

C A P. XXIV.

A SUPPLEMENT to the Act, intituled, *An Act against Adultery and Fornication.*

WHEREAS in and by the Act of General Assembly, to which this Act is Preamble. a Supplement, one Moiety of the Fines, imposed on Persons convicted of Adultery, is given and declared to be to the Use of the Governor, and the other Moiety to the Use of the Poor; but inasmuch as it is not ascertained by the said Act, to the Use of what particular Poor the same Moiety is intended to be applied, Doubts have arisen, and the Sheriffs of several Counties within this Province have detained in their Hands, and still detain the said Moiety, for Want of proper Persons to discharge them upon Payment thereof; For the Removal of which Doubts, BE IT ENACTED by the Honourable RICHARD PENN, Esquire, Lieutenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That one Moiety of all Fines, imposed on Persons convicted of Adultery, in and by Virtue of the said Act, and received by any Sheriff within this Province, before the Publication hereof, shall be paid to the Overseers of the

Manner of appropriating Fines for Adultery. Poor

Poor of the City, District or Township, where the Offender did reside at the Time of committing the Fact, to the Use of the Poor thereof; and that one Moiety of all Fines, which shall hereafter be imposed on any Person convicted of the said Offence, by Virtue of the said Act, shall be to and for the Use of the Governor of this Province for the Time being, and the other Moiety to the Overseers of the Poor of the City, District or Township, where the Offender shall reside at the Time of committing the Fact, to the Use of the Poor thereof, any Thing in the said Act to the contrary notwithstanding.

Passed March 21, 1772.

C A P. XXV.

An A C T to dissolve the Marriage of *George Kebmle*, of the City of *Philadelphia*, Barber, with *Elizabeth* his Wife, late *Elizabeth Miller*, and to enable him to marry again.

Passed March 21, 1772.—Repealed in Council.

C A P. XXVI.

An A C T for confirming the Estates of *John Pawling*, *Joseph Pawling*, *Abraham Sabler*, *Peter Reimer*, *Bernard Kepler* and *Andrew Heizer*, in and to certain Lands in the County of *Philadelphia*.

Passed March 21, 1772.—Private Act.

C A P. XXVII.

An A C T to enable the Owners of the Lands, called *The Pigeon Swamp*, in the Township of *Bristol*, in the County of *Bucks*, to dig, maintain and keep open, a Ditch through the said Swamp, and to raise Money to defray the Expence thereof.

Passed March 21, 1772.—Private Act.

C A P. XXVIII.

An A C T for confirming the Estate of *Samuel Phipps* in and to certain Lands in the Township of *Goshen*, in the County of *Chester*.

Passed March 21, 1772.—Private Act.

C A P. XXIX.

An A C T to enable *William Hembell*, of the City of *Philadelphia*, Taylor, to hold Lands, and to invest him with the Privileges of a natural born Subject of this Province.

Passed March 21, 1772.—Repealed in Council.

C A P. XXX.

An A C T for confirming the Estate of *Adam Simon Kubn* in and to a certain Lot of Ground, with the Buildings thereon, in the Borough of *Lancaster*, one of the Title Deeds whereof is lost.

Passed March 21, 1772.—Private Act.

C A P. XXXI.

An A C T for Prevention of Frauds and Perjuries.

FOR Prevention of fraudulent Practices, Perjuries, and Subornation of Perjuries, BE IT ENACTED by the Honourable RICHARD PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That from and after the Tenth Day of *April*, One Thousand Seven Hundred and Seventy-two, all Leases, Estates, Interests of Freehold, or Term of Years, or any uncertain Interest, of, in or out of, any Messuages, Manors, Lands, Tenements or Hereditaments, made or created by Livery and Seisin only, or by Parole, and not put in Writing, and signed by the Parties so making or creating the same, or their Agents, thereunto lawfully authorized by Writing, shall have the Force and Effect of Leases or Estates at Will only, and shall not, either in Law or Equity, be deemed or taken to have any other or greater Force or Effect, any

Parole Leases, &c. not put in Writing, and signed by the Parties, to have the Effect of Leases at Will only, &c.

any Consideration for making any such Parole Leases or Estates, or any former Law or Usage to the contrary notwithstanding: Except nevertheless, all Leases not exceeding the Term of three Years from the making thereof. And moreover, That no Leases, Estates or Interests, either of Freehold or Terms of Years, or any uncertain Interest, of, in, to or out of, any Messuages, Manors, Lands, Tenements or Hereditaments, shall, at any Time after the said Tenth Day of April, One Thousand Seven Hundred and Seventy-two, be assigned, granted or surrendered, unless it be by Deed or Note, in Writing, signed by the Party so assigning, granting or surrendering the same, or their Agents, thereto lawfully authorized by Writing, or by Act and Operation of Law.

II. *AND be it further enacted by the Authority aforesaid*, That from and after the said Tenth Day of April, any Judge, or Officer of any of the Courts of Record within this Province, that shall sign any Judgments, shall, at the Signing the same, without Fee for doing the same, set down the Day of the Month and Year of his so doing, upon the Paper, Book, Docket or Record, which he shall sign, which Day of the Month and Year shall be also entered upon the Margent of the Record where the said Judgment shall be entered. Officer signing Judgments, to set down the Day of the Month, &c.

III. *AND be it further enacted by the Authority aforesaid*, That such Judgments, as against Purchasers *bona Fide* for valuable Consideration of Lands, Tenements or Hereditaments, to be charged thereby, shall, in Consideration of Law, be Judgments only from such Time as they shall be so signed, and shall not relate to the first Day of the Term whereof they are entered, or the Day of the Return of the Original, or filing the Bail, any Law, Usage, or Course of any Court, to the contrary notwithstanding. Time of Judgments taking Place.

IV. *AND be it further enacted by the Authority aforesaid*, That from and after the said Tenth Day of April, no Writ of *Fieri Facias*, or other Writ of Execution, shall bind the Property of the Goods of the Person, against whom such Writ of Execution is sued forth, but from the Time that such Writ shall be delivered to the Sheriff, Under-sheriff or Coroners, to be executed; and for the better Manifestation of the said Time, the Sheriff, Under-sheriff and Coroners, their Deputies and Agents, shall, upon the Receipt of any such Writ, (without Fee for doing the same) endorse on the Back thereof the Day of the Month and Year, whereon he or they received the same. Writs of Fieri Facias, &c. not binding, till delivered to the Sheriff, &c.

V. *AND be it further enacted by the Authority aforesaid*, That the Act, intituled, *An Act for better settling of Intestates Estates*, passed in the Fourth Year of the Reign of the late Queen ANNE, or any Thing therein contained, shall not be construed to extend to the Estates of Feme Coverts that shall die intestate, but that their Husbands may demand and have Administration of their Rights, Credits, and other personal Estates, and recover and enjoy the same, as they might have done before the making of the said Act. Act of the 4th of Queen ANNE, relating to Intestates Estates, not to extend to the Estates of Feme Coverts, &c.

Passed March 21, 1772.

C A P. XXXII.

An ACT for the Support of the Government of this Province, and Payment of the public Debts,

Passed September 19, 1772.—Obsolete.

At

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1772, in the Twelfth Year of the Reign of our Sovereign Lord GEORGE III. and continued by Adjournments to the Twenty-eighth Day of *September* following.

C A P. I.

An ACT appointing Wardens for the Port of *Philadelphia*, and for other Purposes therein mentioned.

Preamble.

WHEREAS the regulating of Pilots plying in the River and Bay of *Delaware*, the placing Buoy therein, and the erecting a Light-House at *Cape-Henlopen*, have been found, on Experience, to have greatly contributed to the Ease and Security of the Navigation of the said River and Bay, and the Trade of this Province: And whereas it is convenient that the said Pilots, Light-House, Buoy and Piers, herein after mentioned, should be put under one general Direction: BE IT THEREFORE ENACTED by the Honourable RICHARD PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That *Luke Morris, Peter Reeve, Samuel Mifflin, Robert Morris, Thomas Penrose, Robert Whyte, and William Morrell*, Gentlemen, shall be, and are hereby nominated and appointed Wardens of the Port of *Philadelphia*, and that it shall and may be lawful for them, or any three of them, the President, herein after directed to be chosen, being one, as soon as conveniently may be after the Publication of this Act, having first taken the Qualification herein after directed, to meet together at some convenient Place in the said City, at such Times as are herein after mentioned, for the executing and performing the Duties hereby enjoined and required of them; and shall have full Power to appoint and employ a skilful Person to be their Clerk, who shall keep fair Minutes and Entries of all their Orders, Regulations and Transactions, in a Book to be kept for that Purpose; and shall, before he enters upon the Duties of his Office, give good and sufficient Security, to the Governor of the Province for the Time being, for the faithful Discharge of his Office, in the Sum of *Fifty Pounds*, to be approved of by the Wardens, or any four of them; which said Minutes and Entries shall be public, and submitted to the Inspection of any Person or Persons who shall desire to see and peruse them, he or they, so desiring the Inspection, paying to the Clerk the Sum of *One Shilling* for each Time the Books shall be examined; and that the said Clerk shall give true Copies of any such Entries or Minutes made in the said Books, to such Person or Persons as shall demand the same, he or they paying an *Half-penny* for each Line the said Copy shall contain, every Line to consist of not less than twelve Words; and the said Wardens are hereby impowered to have and use one common Seal in their Affairs, and the same at Pleasure to change and alter.

Names of the Wardens.

Wardens to appoint a Clerk, &c.

Wardens to choose a President:

II. AND be it further enacted by the Authority aforesaid, That the said Wardens, or a Majority of them, shall have Power to choose, yearly and every Year, by Way of Ballot, one of their own Number to be their President, who shall continue in his Office during the Space of one Year; and the said President, with any two of the other Wardens, shall have full Power and Authority to do and perform all and every Act, Matter and Thing, herein enjoined and required

of

of them; and in case the said President, so chosen, shall neglect or refuse to attend at any of the Times appointed for the Meeting of the Wardens, it shall and may be lawful for the Wardens met, being at least four in Number, to choose, in the same Manner, a President for the Time being.

III. *AND be it further enacted by the Authority aforesaid*, That there shall be four Meetings of the said Wardens in every Year; that is to say, on the second Monday in March, June, September and December, respectively, and at such other Times as the President, or, in his Absence, two other Wardens, may think necessary, on Application made to him or them for that Purpose; which said Meeting shall be called by his or their Order issued to the Clerk, directing him to summon all the said Wardens to meet, on twelve Hours Notice, to hear and determine all Matters and Things which shall and may come before them; and that the President shall receive, for each Day he shall attend or be employed, the Sum of *Seven Shillings and Six-pence*, and every other Warden the Sum of *Five Shillings*, and no more.

And meet
four Times
in every
Year, &c.

IV. *AND be it further enacted by the Authority aforesaid*, That a Board of Wardens shall have full Power and Authority to examine all Persons, offering themselves to serve as Pilots to and from the Port of *Philadelphia*, as to their Knowledge and Skill in Pilotage, and to grant three Kinds of Certificates, agreeable to the Qualification of such Candidates: The first, to such Pilots as shall be qualified to pilot Ships or Vessels of any Draught of Water; the second, to Pilots for Ships or Vessels not exceeding in Draught of Water twelve Feet; the third, to Pilots for Vessels not exceeding in Draught of Water nine Feet.

Board of
Wardens to
examine into
the Qualifi-
cations of
Persons offer-
ing them-
selves as Pi-
lots, &c.

V. *PROVIDED always, and be it further enacted by the Authority aforesaid*, That the said Persons, upon the Receipt of the said Certificates, shall give Bond, with one sufficient Surety, to the Governor for the Time being, to be approved by the said Board of Wardens, who are hereby authorised to take the same, without Fee or Reward, in such Sum as they shall think needful, not exceeding *One Hundred Pounds*, nor less than *Fifty Pounds*, conditioned, *That they will truly and faithfully perform all and every the Duties and Services required of them by this Act; and shall deliver up such Certificates to the said Wardens, to be cancelled, upon their being declared void, and such Person or Persons incapable of acting as Pilots, agreeable to the Directions of this Act.*

Pilots to give
Bond, &c.

VI. *PROVIDED also, and be it enacted by the Authority aforesaid*, That the Certificates heretofore granted to any Pilot or Pilots by any former Board of Wardens, and not vacated, together with all Securities taken in Consequence of such Certificates, shall be of the same Force and Effect, as if the said Certificates were granted, and Securities taken, in Pursuance of the Directions of this Act.

Certificates
granted by
former War-
dens, and not
vacated, to
be in Force.

VII. *AND be it further enacted by the Authority aforesaid*, That no Person shall be entitled to receive a Certificate as a first Rate Pilot, unless he shall have served a regular Apprenticeship of at least four Years to the Business of a Pilot.

No Person to
be made a
first Rate Pilot
unless, &c.

VIII. *AND be it further enacted by the Authority aforesaid*, That every Pilot, who shall conduct any Ship or Vessel from the Port of *Philadelphia* to the Capes of *Delaware*, or from the said Capes to the said Port, shall have and receive for his Trouble the Sum of *Five Shillings* for every Half Foot of Water which such Vessel shall draw, under and up to fourteen Feet, and for every Half Foot of Water which such Vessel shall draw, more than fourteen Feet, the Sum of *Ten Shillings*, and so in Proportion for any lesser Distance, to be settled and adjusted by the said Board of Wardens: *Provided*, That the said Pilot shall not have or receive any Reward for any supernumerary Inches under six. And that the said Wardens shall, and they are hereby authorised and required to settle and adjust the Reward which shall be due from any Master, Owner or Merchant of a Vessel, to the Pilot thereof, for any extraordinary Time he shall be detained in the River or Bay by the said Master, Owner or Merchant, in the Service of the said Vessel, provided the same shall not exceed *Fifteen Shillings per Diem*, which said Reward, when so adjusted, if not paid on Demand, shall be sued for and recovered in the same Manner, before any two Justices of the Peace, as the Pilotage of the Vessel is herein after directed to be recovered.

Pilots Re-
ward.

Wardens to
adjust the Re-
ward for Pi-
lots being de-
tained, &c.

IX. *AND be it further enacted by the Authority aforesaid*, That from and after the Publication of this Act, no Person or Persons whatsoever shall be

No Suit to be commenced for Pilotage, by Persons not having a Certificate, capable of suing, commencing or prosecuting any Action, Suit or Complaint, at Law, against any Person or Persons whatsoever, for any Sum or Sums of Money that shall be due for Pilotage of any Ship or Vessel in the said River or Bay of *Delaware*, unless he or they shall have obtained a Certificate as aforesaid, of his or their being duly qualified to act as a Pilot or Pilots, and such Pilotage shall be performed during the Force of such Certificate; and that if any Ship or Vessel shall be brought or navigated up to the Port of *Philadelphia* (except as is herein after excepted) or carried from thence, by any Person or Persons not having such Certificate, if such qualified Pilot may be had or procured, that then, and in every such Case, the Master, Owner or Merchant of such Vessel, on due Proof thereof, shall forfeit and pay to the Collector of Tonnage appointed by this Act, to be by him paid over to the Wardens, for the Use of the Pilot who shall have so first offered himself, a Sum of Money, equal to one fourth Part of the Pilotage of the said Vessel, settled and ascertained by Virtue of this Act; and that the said Collector shall not, under the Penalty of *Five Pounds*, give a Receipt to such Person or Persons, so navigating such Vessel, for the Tonnage of his Vessel, agreeable to the Directions of this Act, until such Quarter Pilotage be paid.

Disputes arising between Pilots and Masters of Vessels, &c. to be decided by two Justices of the Peace, &c.

X. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful, upon Complaint made, for any two Justices of the Peace within this Province, and they are hereby impowered and required to issue forth their Precept, in Writing, under their Hands and Seals, in the Nature of a Summons, Capias or Attachment, as the Case may require, directed to any Constable, commanding him to bring, or cause to come before them, any Person or Persons against whom such Complaint shall be made, respecting any Demand, Matter, Cause, Controversy or Dispute, that shall or may arise between Pilots, Masters of Vessels, Merchants or others, respecting Pilotage, and thereupon proceed to hear the Proofs and Allegations of the said Parties, or such of them as shall appear, and to determine and pass Judgment thereon, and also to award Process, under the Hands and Seals of the said Justices, against the Body or the Goods of the Person or Persons against whom such Judgment shall be given, for the Sum due, with like Costs of Suit as are generally recovered, before a Justice of the Peace, on Debts of *Forty Shillings*, and upwards, and not exceeding *Five Pounds*; and that the said Justices shall keep fair Entries and Records of all their Proceedings, from the Commencement of the first Process to the final End of such Suit.

Wardens to make Rules for regulating the Pilots, &c.

XI. *AND be it further enacted by the Authority aforesaid*, That the said Wardens, or a Majority of them, shall, and they are hereby authorized and impowered, from Time to Time, to make such Orders and Rules as shall be useful and necessary, for governing and better regulating the Pilots aforesaid; and to impose and lay any Fine for the Breach of such Orders and Rules, not exceeding *Ten Pounds*, to be recovered before any two Justices of the Peace in Manner aforesaid; which said Orders and Rules shall be inviolably observed and executed by all Persons concerned, according to the Tenor, true Intent and Meaning thereof; provided they be not repugnant to the Laws of *England*, or this Government, and shall be approved of by the Speaker of Assembly, Chief Justice, and Attorney General of this Province, under their Hands and Seals.

Wardens Qualification.

XII. *AND be it further enacted by the Authority aforesaid*, That before the said Wardens take upon themselves the Office of Wardens, each and every of them shall take an Oath or Affirmation, *That he will well and faithfully, to the best of his Skill, Understanding and Judgment, perform, do, execute and discharge the Office and Duty of a Warden, according to the Directions of this Act*; which Qualification any Justice of the Peace of and for the City or County of *Philadelphia* is hereby authorized and enjoined to administer, and to record the same.

Penalty on Masters, &c. of Vessels not taking Pilots on board.

XIII. *AND be it further enacted by the Authority aforesaid*, That if any Ship or other Vessel shall come into the Port of *Philadelphia*, or shall go out of the said Port (Vessels under the Burthen of fifty Tons, Carpenters Tonnage, according to the Mensuration prescribed by this Act, only excepted) without having a Pilot on Board, the Master, Owner or Merchant of such Ship or Vessel shall forfeit and pay to the said Wardens, the Sum of Money which shall be equal to one fourth Part of the Amount of the Pilotage thereof, unless it be proved that a Pilot was sought for, and could not be procured.

XIV. *AND*

XIV. *AND be it further enacted by the Authority aforesaid*, That if it shall so happen that any first Rate Pilot, having his Boat attending him at the Capes, shall be carried from thence to Sea by any Ship or Vessel, contrary to his Inclination, the Master or Owner of such Ship or Vessel shall pay to such Pilot, his Executors or Administrators, the Sum of *Six Pounds per Month*, for every Month he shall be necessarily absent, until his Return to the said Capes; or in case he shall die while so absent, then to the Time of his Death; and if no Boat shall attend such Pilot, the said Master or Owner shall pay him the Sum of *Three Pounds per Month*, as aforesaid: And if any second Rate Pilot shall be carried off as aforesaid, having his Boat attending him as aforesaid, he shall be paid the Sum of *Four Pounds per Month*; if without his Boat, *Forty Shillings per Month*: And if any third Rate Pilot shall be carried off as aforesaid, with his Boat attending him, he shall be paid *Three Pounds per Month*; if without his Boat, *Forty Shillings per Month* by the said Master or Owner of such Ship or Vessel, who shall so convey or carry off such Pilots respectively, for every Month until his Death, or Return to the said Capes as aforesaid. And if any Master of a Vessel shall carry off to Sea any Pilot, contrary to his Inclination, when his Boat or any other Boat is ready, and offers to take him out of the said Vessel, and the same may be done without endangering the Vessel aforesaid, every such Master or Owner of such Vessel shall pay to the said Pilot so carried off the Sum of *Fifty Pounds*, over and above the said Wages, to be recovered by Action of Debt, Bill, Complaint or Information, wherein no Effoin, Protection or Wager of Law, nor more than one Imparlance, shall be allowed.

Rates to be allowed Pilots carried off to Sea, contrary to their Inclinations, &c.

XV. *AND be it further enacted by the Authority aforesaid*, That if any Pilot, duly qualified in Virtue of this Act, shall neglect or refuse, on due Notice given to him, to aid and assist any Ship or Vessel which shall be in Distress, within six Leagues to the Southward of *Cape-Henlopen*, and the same Distance to the Eastward of *Cape-May*, or in the River or Bay of *Delaware* aforesaid; or in case any Ship or Vessel shall be lost or damaged, by the manifest Neglect of the Pilot having Charge of her, every such Pilot, so refusing to aid or assist, or neglecting his Duty, shall, on due Proof made thereof before any Board of Wardens, be rendered incapable of exercising the Office and Duty of a Pilot, and the Certificate before given him shall be utterly void; and that all Contracts and Agreements made, or to be made, by and between any Pilot and the Master of any Ship or Vessel in Distress, for his Aid and Assistance, shall be also void. And such Pilot shall be entitled to ask, demand or recover, no more than a reasonable Reward for his said Aid, Assistance and Service, any such Contract notwithstanding.

Qualified Pilots refusing to assist Vessels in Distress, &c. to be rendered incapable of acting as such, &c.

XVI. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall conceive him or themselves aggrieved by any Judgment, given by two Justices in Pursuance of this Act, it shall and may be lawful for such Person or Persons to appeal to the next County Court of Common Pleas, to be held for the County where the said Judgment shall be given; which said Appeal shall be allowed by the said Justices, upon sufficient Security given for prosecuting the same; and that the Proceedings on such Appeal shall be prosecuted on the same Terms, in the same Manner, and under the same Penalties, as are directed by the Act, intituled, *An Act for the more easy and speedy Recovery of small Debts*.

Persons aggrieved by Judgment given by two Justices, to appeal to the Court of Common Pleas.

XVII. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons whatsoever shall take up any Anchor and Stock, or any Anchor without a Stock, or any Cable, in the Bay or River *Delaware*, every such Person or Persons shall bring, or cause to be brought, every such Anchor, or Anchor and Stock, or Cable, to the Port of *Philadelphia*, and deliver them to the President, or one of the said Wardens, under the Penalty of *One Hundred Pounds*, to be recovered in the Court of Common Pleas for any County of this Province, by Action of Debt, to be brought by the said President of the Wardens for the Time being, or the Person who shall rightfully own such Anchor, or Anchor and Stock, or Cable; and that upon the Delivery of such Anchor, or Anchor and Stock, or Cable, to the said President as aforesaid, and an Appraisement thereof by any two of the said Wardens, to be appointed by the Board for that Purpose,

Penalty on Persons taking up Anchors, or Anchors and Stocks, or Cables, in the Bay, &c. and not delivering them to the Wardens, &c.

Purpose, the said Board shall pay to the Person or Persons so taking up the said Anchor, or Anchor and Stock, or Cable, such Salvage, not exceeding one Half of the Value, as in the Judgment of a Board of Wardens shall be reasonable: And the said President shall, without Delay, advertise the said Anchor, or Anchor and Stock, or Cable, so delivered to him, three Times in some of the public News-papers published in the City of *Philadelphia*, unless the Owner thereof, or his Factor, do immediately appear and claim the same; and shall permit and suffer the said Anchor, or Anchor and Stock, or Cable, to be viewed by any Person or Persons, who shall make Application to him for that Purpose: And if any Person or Persons shall claim, and make satisfactory Proof of his or their Right and Property therein, within the Space of twelve Months next after the Date of the first Advertisement, before a Board of Wardens, the said Anchor, or Anchor and Stock, or Cable, the Property whereof shall be so proved, shall be restored to such Claimant, upon his paying the Salvage, with lawful Interest for the same, and reasonable Costs: But if no Person or Persons shall, within the Time aforesaid, claim and make Proof of his or their Property in such Anchor, or Anchor and Stock, or Cable, then, and in such Case, the said President shall expose the same to Sale, at public Vendue, at the *London Coffee-house*, or some other public Place in the City of *Philadelphia*; and, after deducting the Salvage so paid as aforesaid, with the lawful Interest thereof as aforesaid, and the Charges reasonably accruing thereon, shall pay the Overplus of the Money, proceeding from such Sale, to the Person or Persons who took up the said Anchor, or Anchor and Stock, or Cable, so sold; and that the said Wardens shall keep a fair Record of the Time of the Delivery, and Name or Names of the Person or Persons so delivering any Anchor, or Anchor and Stock, or Cable, and of the Weight, Marks, Claims and Proofs thereof.

Penalty on removing or destroying Buoys, Beacons, &c.

XVIII. AND whereas a LIGHT-HOUSE has been erected on *Cape-Henlopen*, and sundry BUOYS and BEACONS have been, and are to be, fixed in the Bay and River *Delaware*, for the more convenient and safe Navigation to and from the said Port of *Philadelphia*, at a great Expence; *Be it therefore enacted by the Authority aforesaid*, That if any Person or Persons shall, after the Publication of this Act, remove or destroy, or be aiding and assisting in the Removal or Destruction of any of the said Buoys or Beacons, or shall burn, or otherwise destroy, or be aiding or assisting in the burning or destroying the said Light-House, and shall be convicted thereof in any Court of Quarter Sessions in any City or County in this Province, where he or she shall be apprehended, or to which he or she may be brought, if apprehended in another Government, shall forfeit and pay the Sum of *One Thousand Pounds*, and suffer three Years Imprisonment, without Bail or Main-prize, and be whipped once in every Year, during such Imprisonment, at the common Whipping-post, with any Number of Lashes, well laid on his bare Back, not exceeding Thirty-nine.

Manner of appropriating Fines, &c.

XIX. *AND be it further enacted by the Authority aforesaid*, That all Fines, Forfeitures, Penalties and Sums of Money, not herein before appropriated, shall be applied and appropriated by the said Wardens for and towards the Payment of the Salvage aforesaid; the Wages which shall from Time to Time become due to them; the Salary of their Clerk; the Rent of a convenient Office or Place for holding their Board, and other necessary and incidental Expences, arising from the Execution of this Act; and all other Costs, Charges and Expences, which have accrued by the Execution of the several Acts appointing Wardens for the Port of *Philadelphia*, and remain unsatisfied. And, in case the said Fines, Penalties, Forfeitures and Sums of Money, shall not be sufficient for the Purposes aforesaid, that it shall and may be lawful to and for the said Wardens to draw Orders on the Provincial Treasurer, which said Orders the said Treasurer is hereby enjoined and required to pay and discharge.

XX. AND whereas the Security of the said Navigation and Commerce of this Province may be still further promoted, by erecting in the said River a Number of convenient Piers, at proper Distances from each other, in which Vessels passing up and down the same, during the Inclemency of Winter, may take Shelter, and be preserved from the Danger of Ice; in order to effectuate so desirable a Purpose, *Be it enacted by the Authority aforesaid*, That Bills of Credit,

to

to the Value of *Twelve Thousand Pounds*, shall be prepared and printed, within £ 12,000 to be struck in Bills of Credit. three Months after the Passing of this Act, on good strong Paper, under the Care and Direction of *Samuel Rhoads, Michael Hillegas, and Isaac Pearson*, Esquires, the Charges whereof shall be paid by the Provincial Treasurer, out of the Monies in his Hands, arising by the Duty of Tonnage to be levied by this Act; which Bills of Credit shall be made and prepared in the Manner and Form following, *viz.*

----- Shillings, according to an Act of General Assembly of Form of the Bill.
 Pennsylvania, passed in the Thirteenth Year of the Reign of his Majesty GEORGE the Third. Dated the Twentieth Day of March, Anno Domini One Thousand Seven Hundred and Seventy-three.



XXI. AND the said Bills shall have such like Escutcheons as in the Margin hereof, with such other Devices, as the said *Samuel Rhoads, Michael Hillegas, and Isaac Pearson*, shall think proper, as well to prevent Counterfeits, as to distinguish their several and respective Denominations; each of which Bills shall be of the several and respective Denominations following, and no other; that is to say,

SIX Thousand of the same Bills, the Sum of *Four Shillings* in each of them. Their several Denominations.

SIX Thousand of the same Bills, the Sum of *Six Shillings* in each of them.

SIX Thousand of the same Bills, the Sum of *Fourteen Shillings* in each of them.

SIX Thousand of the same Bills, the Sum of *Sixteen Shillings* in each of them.

XXII. AND the said *Samuel Rhoads, Michael Hillegas, and Isaac Pearson*, shall use their best Care, Attention and Diligence, during the Printing of the said Bills, that the Amount thereof, according to their respective Denominations aforesaid, be not exceeded, nor any clandestine or fraudulent Practice used by the Printer, his Servants, or others concerned therein. Care to be taken that the Number of Bills be not exceeded, &c.

XXIII. AND for perfecting the said Bills, according to the true Intent and Meaning of this Act, *Be it enacted by the Authority aforesaid*, That all and every of the said Bills shall be signed by any three of the Persons herein after mentioned; that is to say, *Jacob Winey, Charles Fervis, Benjamin Shoemaker, Henry Keppele, junior, Frederick Kuhl, and John Steinmetz*; who are hereby nominated and appointed to be Signers of the said Bills, and shall, before they receive or sign any of them, take an Oath or Affirmation to the Effect following, *viz.* Signers Names;
THAT they shall well and truly sign and number all the Bills that shall come to their Hands for that Purpose, by the Direction of this Act; and the same so signed and numbered will deliver, or cause to be delivered, unto the said Samuel Rhoads, Michael Hillegas, and Isaac Pearson, or any two of them, pursuant to the Direction of this Act. and Qualification.

XXIV. AND for avoiding the Danger of Embezzlement or Misapplication of the said Bills of Credit, *Be it enacted by the Authority aforesaid*, That the said *Samuel Rhoads, Michael Hillegas, and Isaac Pearson*, or any two of them, after the said Bills shall be printed, shall deliver them to the Signers aforesaid, to be signed and numbered, by Parcels, for which the said Signers, or some of them, shall give their Receipt; that is to say, *Two Thousand Pounds* Value in the said Bills to any three of them at any one Time, and so from Time to Time, until all the said Bills of Credit shall be signed and numbered, in such Manner, that not more than the Value of *Two Thousand Pounds* shall remain in such Signers Hands at one Time; of all which said Bills of Credit, so delivered to be signed, a true Account shall be kept by the Signers, who, upon their Re-delivery of each or any Parcel of the said Bills by them signed and numbered, shall take the Receipt of the said *Samuel Rhoads, Michael Hillegas, and Isaac Pearson*, or any two of them, to charge them before any Committee of Assembly to be appointed for that Purpose. Committee of Assembly to deliver the Bills to the Signers, in Parcels, who are to give Receipts for the same &c.

XXV. AND each of the said Signers shall receive *Ten Shillings* for every Signers, &c. *Thousand* of the said Bills by them signed and numbered; and each of the said *Samuel Rhoads, Michael Hillegas, and Isaac Pearson*, shall have and receive for their Trouble *Ten Shillings per Diem*; and the Provincial Treasurer, for paying Allowance for their Trouble.

and receiving the said Bills of Credit, shall have and receive *Ten Shillings* for every *Hundred Pounds*, and no more, to be paid and discharged by the said Treasurer, out of the Monies in his Hands, arising by the Duties of Tonnage to be levied by Virtue of this Act.

Bills, when signed, to be delivered to the Provincial Treasurer.

XXVI. *AND be it further enacted by the Authority aforesaid*, That as soon as the said Bills shall be signed, numbered and perfected, the said *Samuel Rhoads*, *Michael Hillegas*, and *Isaac Pearson*, or any two of them, shall deliver them to the Provincial Treasurer, and take his Receipt or Receipts for the same; who shall therewith pay off and discharge all such Draughts and Orders, as may be drawn on him by the said Wardens of the Port of *Philadelphia*, for the Purposes mentioned in this Act.

Counterfeiters, or Utters of counterfeit Bills, to suffer Death.

XXVII. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall presume to counterfeit any of the said Bills of Credit, made and issued by Virtue of this Act, by printing, or procuring the same to be printed, in the Likeness or Similitude of the said Bills of Credit, or if any Person or Persons shall forge the Name or Names of the Signers of the said true Bills of Credit to such counterfeit Bills, whether the counterfeiting of the said Bills of Credit, or Names, be done within this Province or elsewhere, or shall utter such Bills, knowing them to be counterfeited as aforesaid, and being thereof legally convicted, by Confession, standing mute, or by the Verdict of Twelve Men, in any Court of Oyer and Terminer within this Province, he, she or they, shall suffer Death, without Benefit of Clergy; and the Discoverer or Informer shall have, as an Encouragement to his Discovery, the Sum of *Fifty Pounds*, of the Value of the Goods and Chattels, Lands and Tenements, of the Person or Persons convicted; and if no such Goods and Chattels, Lands and Tenements, can be found, the Sum of *Ten Pounds*, to be paid by the Provincial Treasurer, out of the Monies arising by the Duty on Tonnage to be levied by Virtue of this Act. And if any Person or Persons shall counterfeit any of the said Bills of Credit, by altering the Denomination thereof, with Design to encrease the Value of the said Bills, or shall utter such Bills, knowing them to be so counterfeited or altered, and shall thereof be legally convicted in any Court of Quarter Sessions of the Peace within this Province, every such Person and Persons shall be sentenced to the Pillory, have both his or her Ears cut off, and nailed to the Pillory, and be publicly whipped, on his or her bare Back, with Thirty-nine lashes, well laid on; and moreover, every such Offender shall forfeit the Sum of *One Hundred Pounds*, to be levied on his or her Lands, Tenements, Goods and Chattels, one Half thereof to the Use of the Governor, and the other Half to the Discoverer; and the Offender shall pay to the Party grieved double the Value of the Damages thereby sustained, together with the Costs and Charges of the Prosecution; and in case the Offender shall not have sufficient to satisfy such Discoverer for his or her Damages, and pay the Forfeiture aforesaid, he or she shall be sold for any Term, not exceeding seven Years, to make such Satisfaction; and in such Case the said Discoverer shall be paid by the Provincial Treasurer, out of the Monies arising by the Duty on Tonnage to be levied as aforesaid, the Sum of *Ten Pounds*; and every such counterfeit Bill shall be delivered to the said Treasurer, to be made Use of upon the Trial of the Person accused or suspected, and afterwards to be burnt and destroyed, in the Presence of a Committee of Assembly.

Discoverer's Reward.

Persons altering Bills, how punished, &c.

XXVIII. *AND* whereas divers Sums of Money have been borrowed and received by the Commissioners, appointed in and by the Act of General Assembly, intituled, *A Supplement to the Act for erecting a Light-House at the Mouth of the Bay of Delaware, at or near Cape-Henlopen, for placing and fixing Buoys in the said Bay and River Delaware, &c.* for the Purposes in the said Act mentioned, and it is just that the Money so borrowed should be paid to the Persons who have lent the same; *Be it therefore enacted by the Authority aforesaid*, That the said Wardens shall, with all convenient Speed, pay off and discharge all such Sums of Money which have been borrowed as aforesaid, and remain due to the respective Lenders, with the Interest thereof, out of such Monies as shall be in the Hands of the Provincial Treasurer, and by Law appropriated to that Use, and out of the Bills of Credit emitted by Virtue of this Act; for which Purpose

Wardens to pay off all Sums of Money borrowed, &c.

pose the said Wardens shall draw Orders, in Favour of the said respective Lenders, on the said Provincial Treasurer, who shall forthwith discharge the same.

XXIX. *AND be it further enacted by the Authority aforesaid,* That the said Wardens, or a Majority of them, shall, and they are hereby enjoined and required, with all convenient Speed, after the Passing of this Act, to purchase so much Land, in such Parts or Places, for building and erecting thereon such and so many Piers (and to contract with any Person or Persons for the Use of such Pier or Piers as are already erected, and to extend, improve and repair the same) as they shall think necessary to render the Navigation in the said River and Bay more safe in the Winter Season; and on the said Land, so bought, to build and erect the said Piers, and to agree on, do, execute and perform, all and every other Act, Matter and Thing, relating to the Premises, as shall appear necessary for the Purposes aforesaid. And in order to defray the Expences thereof, the said Wardens, or a Majority of them, shall draw Orders on the Provincial Treasurer, who shall discharge the same out of the Residue of the Bills of Credit hereby directed to be emitted, after the Money so borrowed shall be paid off and discharged.

Wardens to purchase Land, and erect Piers, &c.

XXX. *AND* whereas it is expedient and necessary that the said Light-House, Buoys and Piers, should be duly supported, repaired and maintained, and that the said Bills of Credit, hereby directed to be emitted, should be paid off, sunk and destroyed; *Be it therefore enacted by the Authority aforesaid,* That from and after the Publication hereof there shall be laid, raised, collected and paid, a Duty of Tonnage, upon all Ships and other Vessels coming into or going out of this Province (Shallops and other small Vessels, trading within the River and Bay of *Delaware*, and along the Coast, as far as *Sandy-Hook* to the Eastward, and as far as *Indian River* to the Southward, only excepted) that is to say, for all and every of the said Ships or Vessels the Sum of *Seven-pence per Ton*, to be accounted, taken and paid, according to the Measure of every such Ship or Vessel, which shall be made and taken by the Collector of the said Duty of Tonnage in the Port or Place where they shall arrive, enter or clear; and the Master or Owner of every such Vessel shall, within Forty-eight Hours after the Arrival of any such Ship or Vessel at the Ports or Places of their Discharge or Unloading in this Province, cause or procure such Ships or Vessels to be entered in the Collector's Office, appointed by this Act for collecting the said Duties of Tonnage; and at the Time of such Entry, and before he or they presume to break Bulk, or unload, shall either immediately pay to the said Collector the Sums of Money due and payable for the Tonnage of all such Ships or Vessels, or otherwise shall give good and sufficient Security, by Bond, to the said Collector, to be approved of by him, to pay the said Duty of Tonnage to the said Collector, or his Successor, for the Uses aforesaid, within the Space of Six Weeks after the Arrival of such Ship or Vessel, under the Penalty of *Twenty Pounds*.

A Duty of Tonnage to be laid, &c.

XXXI. *AND be it further enacted by the Authority aforesaid,* That the Masters or Owners of all Vessels in any Port of this Province, at the Time of the Publication of this Act, shall, within Forty-eight Hours after the said Publication, enter their Vessels in the said Collector's Office, and pay the said Duties of Tonnage to the said Collector, or secure the same to be paid, in Manner aforesaid, under the Penalty of *Twenty Pounds*; and that the Masters or Owners of all Vessels now building, or hereafter to be built within this Province, shall, within Forty-eight Hours after Demand made, enter their Vessels in the said Office, and pay, or secure to be paid, the like Duties of Tonnage, in Manner aforesaid, under the Penalty of *Twenty Pounds*.

Masters or Owners to enter their Vessels, &c.

XXXII. *AND be it further enacted by the Authority aforesaid,* That for preventing Disputes concerning the Contents of Vessels hereby made liable to the said Duty of Tonnage, the said Tonnage shall be measured and computed in Manner following; that is to say, every single decked Ship or Vessel shall be measured by the Length of the Keel, and the Breadth of the Beam, taken within Board by the Midship Beam, from Plank to Plank; and the Depth of the Hold, from the Ceiling Plank, next the Kelson, to the under Part of the Deck Plank, then multiply the Length by the Breadth, and the Product thereof by the Depth, and divide the whole by Ninety-five, the Quotient shall give the

Manner of measuring Vessels.

the Contents of the Tonnage of such single decked Vessel; and in order to find the Length of the Keel, measure the Gun Deck, from the Fore-part of the Stern-post to the Fore-part of the Stem, from which deduct three Fifths of the Beam for the Rake forward, and four Inches out of the Length of each Foot of the Stern-post, as high as the Gun Deck, for the Rake abaft, the Remainder shall be the Length of the Keel. And every two decked Ship, which carries Goods between Decks, shall be measured in the Manner herein after directed; that is to say, the Breadth to be taken within Board by the Midship Beam, from Plank to Plank, multiplied by the Length of the Keel, to be measured as herein before directed, and the Product thereof multiplied by one Half of the Breadth on the Midship Beam as aforesaid, the whole divided by Ninety-five, the Quotient shall be, and is hereby declared to be, the Contents of the Tonnage of every such two decked Ship or Vessel; according to which Method and Rules all Ships and Vessels shall be measured, and the several Duties of Tonnage thereby computed, and collected accordingly, any Law, Usage or Custom to the contrary notwithstanding.

Thomas
Coombe ap-
pointed Col-
lector;

XXXIII. *AND be it further enacted by the Authority aforesaid*, That Thomas Coombe shall be, and is hereby appointed Collector of the Duties and Sums of Money, due and payable for the Tonnage of all Ships and Vessels chargeable by this Act, and Receiver of the Fines and Penalties imposed by this Act; and is hereby authorised and empowered, from Time to Time, to measure all Vessels, and take the Bonds required to be given for Tonnage as aforesaid, and to appoint, constitute and make Deputies, as many as shall be necessary, for the effectual Recovery of the Duties imposed by this Act.

who, if sued,
may plead
the general
Issue, &c.

XXXIV. *PROVIDED always, and be it further enacted by the Authority aforesaid*, That if the said Collector, or any other Person or Persons, shall be sued or prosecuted for any Thing done in Pursuance of this Act, he or they, so sued or prosecuted, may plead the General Issue, and give this Act, and the special Matter in Evidence, for their Justification; and if, upon Trial thereof, a Verdict shall be given against the Plaintiff, or he shall become Non-suit, or suffer a Discontinuance, the Defendant or Defendants in such Action shall recover treble Damages, with full Costs of Suit.

Suits to be
commenced
within Six
Months.

XXXV. *PROVIDED also*, That the said Collector, or any other Person, shall not be sued for any Thing done in Pursuance of this Act, unless such Suit be commenced within Six Months next after the pretended or supposed Injury shall be done or committed.

Collector to
keep fair and
true Ac-
counts.

XXXVI. *AND be it further enacted by the Authority aforesaid*, That the said Collector shall keep fair and true Accounts in Writing, of all his Transactions relating to the Premises, and the Duty of his Office, which he shall, from Time to Time, submit to the View and Inspection of the Wardens aforesaid, and lay the same before the Committees of Assembly of this Province, when thereunto required. And the said Collector shall, once in six Weeks, or oftener, if required, during the Continuance of this Act, pay to the Provincial Treasurer, for the Time being, all such Sums of Money which he shall receive by Virtue of this Act, deducting first thereout, for his Trouble in executing the Duties hereby enjoined, *Six per Centum* for measuring, receiving and paying, as aforesaid; and the Receipt or Receipts of the said Treasurer shall be a good and sufficient Discharge to the said Collector, for so much of the Duties of Tonnage as shall be therein expressed and specified. And the said Provincial Treasurer shall have and receive, for his Trouble in receiving and paying the Monies coming to his Hands by the Duties of Tonnage imposed by Virtue of this Act, the Sum of *Ten Shillings* for every *Hundred Pounds*, and no more.

Treasurer's
Receipt suffi-
cient Dis-
charge to the
Collector.

Collector to
take an Oath,
and give Se-
curity, &c.

XXXVII. *PROVIDED always, and be it further enacted by the Authority aforesaid*, That the said Collector, before he enters upon the Execution of his Office, shall take an Oath or Affirmation, before some Justice of the Peace of the County of *Philadelphia*, who is hereby empowered to administer the same, and shall also become bound, with one or more sufficient Sureties (to be approved of by the said Wardens) to the Governor or Commander in Chief of this Province for the Time being, conditioned *for the true and faithful Execution of his said Office*; and in case of the Death or Removal of the said Collector, the

Wardens

Wardens aforesaid, or a Majority of them, or of the Survivors of them, shall appoint another to supply his Place, from Time to Time, until one shall be appointed by Act of Assembly, who shall take the like Qualification, and give the like Security, as is directed to be taken and given by the Collector appointed by this Act, and shall have the same Power and Authority as the said *Thomas Coombe* hath, or ought to have, and shall execute, do and perform all the Duties, Matters and Things, hereby enjoined and required.

XXXVIII. *AND be it further enacted by the Authority aforesaid*, That the aforesaid Wardens, or a Majority of them, shall, from Time to Time, nominate and appoint one careful and reputable Person to be the Keeper of the said Light-House, who shall carefully and diligently attend his Duty in kindling and keeping burning the Lights, from Sun-setting to the Rising thereof, and at such other Times as the said Wardens shall order and direct; and in placing the said Lights so as they may be best seen by Persons on board Vessels, coming into or going out of the said Bay of *Delaware*; and in case such Keeper shall neglect his Duty in any Part of the Premises, he shall forfeit and pay any Sum of Money, according to the Degree of his Offence, not exceeding the Sum of *Two Hundred and Fifty Pounds*. Wardens to appoint a Keeper of the Light-house; Penalty on his Neglect of Duty.

XXXIX. *PROVIDED always*, That the said Keeper, before he enters upon the Duty of his said Office, or takes Charge of the said Light-House, shall give one or more good and sufficient Sureties, residing in this Province, to the Governor or Commander in Chief for the Time being, for the true and faithful Performance and Discharge of his Duty. Keeper to give sufficient Sureties.

XL. *AND be it further enacted by the Authority aforesaid*, That the said Wardens shall repair, and maintain in good Order, the said Buoys, Piers and Light-House, and keep up the Lights in the said House at all proper Times, or cause the same to be done; and for those Purposes shall draw Orders on the Provincial Treasurer, who shall discharge the same, out of the Monies paid into his Hands by the Collector of Tonnage as aforesaid. And that the said Treasurer shall exchange the Residue of the Monies which shall be paid to him by the said Collector (after the Expences aforesaid, with all other Charges, directed by this Act to be paid out of the Duty of Tonnage aforesaid, shall be discharged) for the Value thereof in the Bills of Credit hereby emitted, and yearly, as they shall come to his Hands, deliver them over to such Committees of Assembly as shall be appointed to settle the public Accounts, who shall burn and destroy them. Wardens to maintain the Buoys, Piers and Light-House, in good Order, &c.

XLI. *AND be it further enacted by the Authority aforesaid*, That the Fines and Penalties hereby inflicted and imposed, and not herein before appropriated, shall be recovered by and in the Name of the Collector aforesaid, or his Successor, by Bill, Plaint or Information, in any Court of Record within this Province, wherein no Effoin, Protection or Wager of Law, nor any more than one Imparlance, shall be allowed; one Moiety thereof to the said Collector, or his Successor, and the other Moiety to the Provincial Treasurer, to be applied by the Wardens aforesaid to the same Uses, Intents and Purposes, to which the Duties of Tonnage aforesaid are herein before directed to be applied and appropriated. Manner how Fines, &c. are to be recovered, &c.

XLII. *AND be it further enacted by the Authority aforesaid*, That this Act shall be and continue in Force for and during the Space of Fifteen Years from and after the Passing thereof, and from thence to the End of the next Sitting of Assembly, unless it shall so happen that the said Duties of Tonnage, so to be collected, shall not in that Time be sufficient to pay off and discharge the Bills of Credit emitted by Virtue of this Act; in which Case this Act shall continue in Force until the said Duties shall be sufficient for that Purpose; and in case a greater Sum of Money shall be raised within the Time aforesaid, more than sufficient for the Purposes aforesaid, then, and in such Case, the Surplus aforesaid shall be applied for and towards the supporting, maintaining and keeping in Repair and Use the said Light-House, Buoys and Piers aforesaid, in the best Manner, so as to be of the most Advantage to Trade and Navigation. Limitation of this Act.

XLIII. *AND be it further enacted by the Authority aforesaid*, That the said Wardens shall, yearly and every Year, lay their Accounts before the Committee of Assembly for the Time being, appointed for the Settlement of the public Accounts, to be by them examined, adjusted, and laid before the Assembly then sitting. Wardens to lay their Accounts before the Committee of Assembly.

Former Acts
repealed.

XLIV. *AND be it further enacted by the Authority aforesaid, That the Act of General Assembly, passed in the Eleventh Year of His present Majesty's Reign, intituled, An Act appointing Wardens for the Port of Philadelphia, and for the better regulating Pilots plying in the River and Bay of Delaware, and the Price of Pilotage to and from the said Port; and one other Act of General Assembly, passed in the same Year, intituled, An Act for the Support of the Light-House erected at the Mouth of the Bay of Delaware, and the Buoys placed in the said Bay and the River Delaware, and for the Repayment of the Monies borrowed for erecting the said Light-House, and placing the said Buoys; and every Article, Clause, Matter and Thing, in the said Acts contained, shall be, and are hereby declared to be, repealed.*

Passed February 26, 1773.

C A P. II.

An ACT for emitting the Sum of *One Hundred and Fifty Thousand Pounds*, in Bills of Credit, on Loan, and providing a Fund for the Payment of public Debts.

Preamble.

WHEREAS through the Scarcity of Gold and Silver within this Province, occasioned by the frequent Remittances thereof to *Great-Britain*, in Discharge of the Debts continually accruing by the Importation of Manufactures and Merchandize from thence, and the constant sinking the Bills of Credit emitted during the late War, and granted to His Majesty for the Protection of His *American* Dominions, the Improvement, Population and Commerce of this Province are obstructed, and the Government reduced to great Difficulties in paying its just Debts, and supporting its Credit and Honour; for Remedy whereof, BE IT ENACTED by the Honourable RICHARD PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That Bills of Credit, to the Value of *One Hundred and Fifty Thousand Pounds*, shall be prepared and printed, within Twelve Months next after the Passing of this Act, on good strong Paper, under the Care and Direction of the Trustees of the General Loan-Office of this Province, herein after appointed, the Charges whereof shall be paid by the Provincial Treasurer, out of the Monies and Bills of Credit directed to be made and printed by the Act of General Assembly, passed in the Twelfth Year of His present Majesty's Reign, intituled, *An Act for the Support of the Government of this Province, making the Excise on Wine, Rum, Brandy and other Spirits, more equal, and preventing Frauds in the collecting and paying the said Excise; which Bills of Credit shall be prepared and made in the Manner and Form following; that is to say,*

£150,000 to
be struck in
Bills of
Credit.

Form of the
Bill.

----- according to an Act of General Assembly of *Pennsylvania*, passed in the Thirteenth Year of the Reign of His Majesty GEORGE the Third. Dated the First Day of October, One Thousand Seven Hundred and Seventy-three.

II. AND the said Bills shall have such like Escutcheons as in the Margin hereof, with such other Devices as the said Trustees shall think proper, as well to prevent Counterfeits, as to distinguish their several and respective Denominations; each of which Bills shall be of the several and respective Denominations following, and no other; that is to say,



TWENTY-EIGHT Thousand Three Hundred of the same Bills, the Sum of Fifty Shillings in each of them.

Their several
Denomina-
tions.

TWENTY-EIGHT Thousand Three Hundred of the same Bills, the Sum of Twenty Shillings in each of them.

TWENTY-EIGHT Thousand Three Hundred of the same Bills, the Sum of Fifteen Shillings in each of them.

TWENTY-EIGHT Thousand Three Hundred of the same Bills, the Sum of Ten Shillings in each of them.

TWENTY-

TWENTY-EIGHT Thousand Three Hundred and Eighteen of the same Bills, the Sum of Five Shillings in each of them.

TWENTY-EIGHT Thousand Three Hundred and Eighteen of the same Bills, the Sum of Two Shillings and Six-pence in each of them.

TWENTY-EIGHT Thousand Three Hundred and Nineteen of the same Bills, the Sum of Two Shillings in each of them.

TWENTY-EIGHT Thousand Three Hundred and Eighteen of the same Bills, the Sum of One Shilling and Six-pence in each of them.

III. AND the said Trustees shall use their best Care, Attention and Diligence, during the Printing of the said Bills, that the Number and Amount thereof, according to their respective Denominations aforesaid, be not exceeded, nor any clandestine or fraudulent Practice used by the Printer, his Servants, or others concerned therein. Trustees to take Care the Number of Bills be not exceeded, &c.

IV. AND for perfecting the said Bills, according to the true Intent and Meaning of this Act, *Be it enacted by the Authority aforesaid*, That all and every of the said Bills shall be signed by three of the Persons hereafter named; that is to say, *Stephen Carmick, Charles Mcredith, George Emlen, junior, Alexander Todd, Joseph Pemberton, Samuel Miles, Owen Jones, junior, Joseph Mifflin, Benjamin Morgan, Barnaby Barnes, William Fisher, junior, William Wistar, Abraham Usher, Reynold Keen, John Field, Jacob Harman, Mordecai Lewis, Isaac Wharton, William Wistar, Richard Willing, Benjamin Marshall, Samuel Fisher, James Hartley, and Joseph Allen*, who are hereby nominated and appointed to be Signers of the said Bills, and shall, before they receive or sign any of them, take an Oath or Affirmation to the Effect following, *viz. THAT they shall well and truly sign and number all the Bills of Credit that shall come to their Hands for that Purpose, by the Direction of this Act; and the same so signed and numbered will deliver, or cause to be delivered, unto the said Trustees, or any of them, pursuant to the Direction of this Act.* Signers Names.
Signers Qualification.

V. AND for avoiding the Danger of Embezzlement or Misapplication of any of the said Bills of Credit, *Be it further enacted by the Authority aforesaid*, That the said Trustees, after the said Bills shall be printed, shall deliver, from Time to Time, so many of them to the Signers aforesaid, to be signed and numbered, by Parcels, as they shall judge necessary to supply the Demands of the Borrowers, and no more; for which the said Signers, or some of them, shall give their Receipt; that is to say, *Three Thousand Pounds Value in the said Bills at one Time, to any three of them, and so from Time to Time, until all the said Bills of Credit shall be signed and numbered, in such Manner, that not more than the Value of Three Thousand Pounds shall remain in such Signers Hands at one Time; of all which said Bills of Credit, so delivered to be signed and numbered, a true Account shall be kept by the Signers, who, upon their Re-delivery of each or any Parcel of the said Bills by them signed and numbered, shall take the Receipt of the said Trustees, or any of them, to charge them before any Committee of Assembly to be appointed for that Purpose.* And each of the said Signers shall receive *Ten Shillings* for every Thousand of the said Bills by them signed and numbered, and no more, to be paid by the Provincial Treasurer, out of the Monies arising by the said Act, intituled, *An Act for the Support of the Government of this Province, making the Excise on Wine, Rum, Brandy and other Spirits, more equal, and preventing Frauds in the collecting and paying the said Excise.* Trustees to deliver the Bills to the Signers, in Parcels, who are to give Receipts for the same, &c.
Signers Allowance.

VI. AND *be it further enacted by the Authority aforesaid*, That *Samuel Preston Moore, and Amos Strettell*, of the City of Philadelphia; *Abraham Chapman*, of the County of Bucks; *Humphrey Marshall*, of the County of Chester; and *Moses Brinton*, of the County of Lancaster, Gentlemen, shall be, and are hereby appointed Trustees of the General Loan-Office of the Province of Pennsylvania; and that they, the said Trustees, and their Successors, and every of them, before they shall enter upon the Execution of their Trust, or any Part thereof, shall give and duly execute a Bond to the Governor of this Province for the Time being, and his Successors, with three sufficient Sureties, such as he shall approve of, in the Sum of *Five Thousand Pounds*, conditioned for the faithful Execution of the Trust, and Performance of all and every the Acts, Trustees appointed, who are to give Bond, &c.

Matters

Their Qualifications.

Matters and Things, enjoined and required of them by this Act; and shall also take an Oath or Affirmation before some Justice of the Peace, to be endorsed on the said Bond, in the Words following, *viz.* I, A. B. will, to the best of my Skill and Knowledge, faithfully, impartially and truly, perform and discharge the Trust required of me by an Act of General Assembly of this Province, intituled, An Act for emitting the Sum of One Hundred and Fifty Thousand Pounds, in Bills of Credit, on Loan, and providing a Fund for the Payment of public Debts, so that none may be prejudiced by my Consent, Privity or Procurement; and that I will not lend out for, or apply or appropriate to, my own private Use or Benefit, or the Use or Benefit of any other Person or Persons whatsoever, any of the Monies to me entrusted, otherwise than according to the Directions, true Intent and Meaning, of the said Act.

Qualification to be endorsed on their Bonds, which are to be recorded, &c.

VII. And be it further enacted by the Authority aforesaid, That the said Oath or Affirmation, so to be taken by the said Trustees, shall be endorsed on their respective Bonds; which Bonds, with the Endorsements aforesaid, shall be delivered to the Recorder of Deeds for the County of Philadelphia, to be by him recorded; and in case the said Bonds, or any of them, shall in any wise be forfeited, the same shall be sued and prosecuted, and the Penalties thereof recovered, for the Benefit, Advantage and Use of the Province.

Trustees incorporated.

VIII. AND be it further enacted by the Authority aforesaid, That the said Trustees shall be one Body Politic and Corporate in Law, and, by the Name of TRUSTEES OF THE GENERAL LOAN-OFFICE OF THE PROVINCE OF PENNSYLVANIA, are hereby authorized and impowered to receive Applications from Borrowers, judge of and determine the Value of the Lands and Tenements, Rents and Hereditaments, offered in Mortgage, and the Validity of their Titles; to take and receive Mortgages, give Receipts for Monies received, take, hold and enjoy, to them and their Successors in their said Trust, all such Lands, Tenements, Rents and Hereditaments, as shall be granted them in Mortgage, sell and dispose of Estates forfeited, to sue, be sued, and defend any Suit or Suits brought against them, and generally to do, perform and execute, all and every Act, Matter and Thing, necessary for the just and due Performance and Execution of the Trust reposed in them by Virtue of this Act.

Trustees not to take Land Security, lying in any other County than where they reside, before a Certificate from the Commissioners of such County be produced, &c.

IX. PROVIDED always nevertheless, That it shall not be lawful to and for the said Trustees to emit on Loan any of the said Bills of Credit, on any Land Security which shall lie in any of the Counties (other than such Counties where any of the said Trustees shall reside) before a Certificate, under the Hands of the Commissioners of the County, or any two of them, where such landed Security is situate, certifying the Value thereof, shall be produced to them; which said Certificate the said Commissioners, on Application to them made, shall make out, and deliver to the Person applying; but before the said Commissioners shall grant such Certificate, they, and each of them, shall, before some Justice of the Peace of their County, take an Oath or Affirmation, That they will certify under their Hands the Value of all such Lands, and other Hereditaments, within their said County (having Regard to the last Assessment thereof) as they shall be requested to certify by any Person or Persons intending to mortgage, as directed by this Act; which Certificate they shall deliver to the Person applying, to be by him produced to the Trustees of the General Loan-Office. Which said Qualification shall be certified, and deposited by the said Justice with the Clerk of the County Court of Quarter Sessions, for the County for which such Commissioners are chosen, to be by him filed and preserved; and that the said Commissioners shall have, and be paid, out of the Interest arising on the Loans made in Pursuance of this Act, the Sum of Three Shillings and Ninepence for each Certificate, and no more; and that the said Certificates shall be duly filed and preserved by the said Trustees, for the Inspection of the Assembly and their Committees.

Trustees to deliver up all Bills, &c. to their Successors, &c.

X. PROVIDED also, and be it enacted by the Authority aforesaid, That none of the Trustees herein before appointed, or hereafter to be appointed, according to the Direction of this Act, or any of them, or any of their Heirs, Executors or Administrators, or Securities hereby directed to be given, be acquitted or discharged for any Thing done or suffered in or about the Trust hereby

by committed to them, until they have accounted for, and paid and delivered up to the succeeding Trustees, all Bills of Credit, Monies, Securities, Books of Accounts, and other Writings, relating or belonging to the said Loan-Office, and so, from Time to Time, during the Continuance of this Act, any Thing herein contained to the contrary notwithstanding.

XI. *AND be it further enacted by the Authority aforesaid*, That the said Trustees shall lend out the said Sum of *One Hundred and Fifty Thousand Pounds* of the said Bills of Credit, hereby directed to be made, in the Proportions herein after mentioned, for and during the Space, and unto the full End and Term of Sixteen Years from the First Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Seventy-four. All which Loans made by Virtue of this Act shall be made in Sums not exceeding *Two Hundred Pounds*, nor less than *Twenty-five Pounds* to any one Person, upon Mortgages of Messuages, Lands, Tenements, Rents and Hereditaments, in this Province, whereof the Borrowers stand seized in Fee Simple, in their own Right, free from Incumbrances, the Proprietary Quit-rents, and other Rents charged on the same, and discovered to the said Trustees, only excepted; and that the said Trustees shall inform themselves, the best they can, of the Validity of the Titles, and of the clear Value of all Messuages, Lands and Ground-rents, offered in Security, so as to be satisfied that the Lands and Ground-rents are held in Fee Simple, and are at least of treble the Value of the Sums requested to be lent; and that as to the Messuages erected upon Ground subject to the Payment of Ground-rent offered in Mortgage, Care shall be taken by the said Trustees that there be no Rent or Quit-rent in Arrear at the Time of receiving the same in Mortgage, and that the Ground shall be near equal in Value above the Ground-rent to the Sum lent, yet so that the House and Ground be of treble the Value, for the better Security of the Mortgage Money. And thereupon the said Trustees, in Pursuance of the Trust hereby committed to them, shall, in the Name and Stile of *The Trustees of the General Loan-Office of the Province of Pennsylvania*, and not otherwise, take and receive Deeds of Mortgage, in Fee Simple, of such Messuages, Lands, Tenements, Rents and Hereditaments, with the Appurtenances, to secure the Re-payment of the Sums they lend, to be made yearly on the First Day of *September*, by equal Payments, with the whole Interest accrued, at the Rate of *Five per Cent. per Annum*.

Trustees not to lend more than 200*l.* nor less than 25 *l.* to one Person, &c.

XII. *AND be it further enacted by the Authority aforesaid*, That the said Sum of *One Hundred and Fifty Thousand Pounds* shall be emitted on Loan by the Trustees aforesaid, in the Manner herein before directed, to the Inhabitants of the several and respective Counties within this Province, in the following Proportions, *viz.*

150,000*l.* to be emitted on Loan.

FORTY Thousand Pounds to the Inhabitants of the City and County of *Philadelphia*.

FOURTEEN Thousand Pounds to the Inhabitants of the County of *Bucks*.

EIGHTEEN Thousand Pounds to the Inhabitants of the County of *Chester*.

EIGHTEEN Thousand Pounds to the Inhabitants of the County of *Lancaster*.

Proportion for each County.

TWELVE Thousand Pounds to the Inhabitants of the County of *York*.

TEN Thousand Pounds to the Inhabitants of the County of *Cumberland*.

FOURTEEN Thousand Pounds to the Inhabitants of the County of *Berks*.

NINE Thousand Pounds to the Inhabitants of the County of *Northampton*.

EIGHT Thousand Pounds to the Inhabitants of the County of *Bedford*.

And *SEVEN Thousand Pounds* to the Inhabitants of the County of *Northumberland*.

XIII. *PROVIDED always*, That if there shall not, within the Space of Nine Months next after the first Money shall be emitted by Virtue of this Act, be Applications for the said respective Proportions of Money from the Inhabitants of the said Counties respectively, then, and in such Case, it shall and may be

Proportions not applied for within nine Months, Surplus may be lent, &c.

be lawful for the said Trustees to lend out the Surplus thereof, to such Person or Persons as shall apply for the same, in the Manner and on the Securities aforesaid.

Mortgagor
allowed to
discharge
his Mort-
gage, &c.

XIV. *PROVIDED also*, That if any Mortgagor of any Messuages, Lands or Rents, mortgaged in Pursuance of this Act, his Heirs, Executors, Administrators or Assigns, shall be inclined to pay off and discharge his Mortgage and Security, at any other Time than according to the Time specified in his Mortgage Deed, it shall be lawful for him or them so to do, by paying down the whole principal Sums due, and to become due, together with the Interest and Charges then accrued, on the First Day of *March*, in any Year, during the Continuance of this Act.

Principal
Sums, &c.
not to be
sunk, other-
wise than by
this Act di-
rected, &c.

XV. *AND be it further enacted by the Authority aforesaid*, That the principal Sums, and all and singular the Parts, Parcels and Quotas thereof, or any of them, payable to the Trustees of the said General Loan-Office, by any Mortgagor or Person whatsoever, shall not be sunk or destroyed, otherwise, or at any other Time, than by this present Act is directed, limited and appointed, any Law, Custom or Usage, to the contrary notwithstanding; but the same principal Sums, hereafter to be recovered or received by the said Trustees before the First Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Eighty-four, shall be, from Time to Time, again lent out, on Securities as herein before directed, for the Residue of the aforesaid Term of Sixteen Years. And also, so often as any Mortgage Monies, directed to be again lent out as aforesaid, shall be recovered or received before the aforesaid First Day of *March*, One Thousand Seven Hundred and Eighty-four, the principal Monies thence arising shall, in like Manner, from Time to Time, be lent out again, on the like Securities as aforesaid. And the said Trustees, or some of them, shall weekly attend at their Office at *Philadelpia* on *Tuesdays* and *Wednesdays*, until the aforesaid Sum of *One Hundred and Fifty Thousand Pounds* of the said Bills of Credit, hereby directed to be made, and the Sums of Money lent out and received as aforesaid, shall be wholly lent out as this Act directs; and afterwards, on the Second *Tuesday* in *October*, *December*, *February*, *April*, *June* and *August*, in every Year, during the Continuance of this Act, and at such other Times as their Duty and Trust shall require.

Deeds of
Mortgage to
be fairly en-
tered in
Books, &c.

XVI. *AND be it enacted by the Authority aforesaid*, That all and every of the said Deeds of Mortgage shall be fairly entered in Books of large Paper, to be provided by the said Trustees, attested Copies of which Deeds, so entered and certified by the said Trustees, or any of them, for the Time being, shall be and are hereby declared to be good Evidence, to prove the Mortgages thereby mentioned to be made; and on every of the aforesaid Deeds of Mortgage shall be endorsed or added an Oath or Affirmation, to be taken by the Mortgagor or Mortgagors, before some or one of the said Trustees, or some Justice of the Peace, who are hereby impowered and required to administer the same, *That he, she or they is or are seized of the Hereditaments and Premises thereby granted, in his, her or their own Right, and to his, her or their own Use, and that free from all Arrearages of the Proprietaries Quit-rents, and any former Gift, Grant, Sale, Mortgage, Judgment, or any other Incumbrance, to the Knowledge of such Mortgagor or Mortgagors (the yearly Quit-rents thenceforth issuing, payable to the Chief Lord or Lords of the Fee thereof, and such other Rents, if any, as are therein particularly mentioned and discovered to the Trustees, only excepted.)* And the aforesaid Deeds, being so executed and acknowledged, shall transfer the Possession, and vest the Inheritance of and in such mortgaged Premises, to and in the said Trustees and their Successors, as fully and effectually as Deeds of Feoffment, with Livery and Seizin, or Deeds inrolled in any of the Kings Courts of *Westminster*, may or can do. In all which Deeds, the Words *Grant*, *Bargain* and *Sell*, shall be adjudged, in all Places and Courts whatsoever within this Province, to have the Force and Effect of a Covenant, that the Mortgagor, notwithstanding any Act done by him, was, at the Time of Execution of such Deed, seized of the Hereditaments and Premises thereby granted, of an indefeasible Estate of Inheritance, free from Incumbrances, the Rents so as aforesaid to be discovered to the said Trustees only excepted.

Oath or Af-
firmation to
be taken by
the Mort-
gagors, &c.

XVII. *AND*

XVII. *AND be it further enacted by the Authority aforesaid*, That, together with every of the aforesaid Mortgage Deeds, the respective Mortgagor shall execute a Bond, of double the Mortgage Money, to the Trustees aforesaid, conditioned for the Payment of the Money borrowed, with the Interest, according to the Proviso or Condition contained in each such Mortgage Deed; and also a Warrant of Attorney, empowering such Person or Persons as the said Trustees shall appoint to confess or suffer Judgment, which the said Trustees are hereby required to cause their Attorney to enter, in any of the Courts of Common Pleas of this Province, against such Mortgagor as shall make Default in Payment of the Mortgage Monies, or any Part thereof, on the said Bonds or Mortgages, for Non-performance of the Conditions thereof, or in such Actions of Debt as the said Trustees are required to bring, for the Value of the said Bills of Credit received by the Mortgagors whose Titles shall happen to prove defective, together with the Interest and Costs of Suit; in every which Warrant of Attorney shall be inserted a Release of Errors by the Mortgagor.

Mortgagors to execute a Bond, and Warrant of Attorney, &c.

XVIII. *PROVIDED always nevertheless*, That until some Default be made in Payment of some Part of the Mortgage Monies by the Mortgagors respectively, it shall and may be lawful to and for them, and their Heirs, to hold and enjoy the mortgaged Premises, any Thing in this Act, or in their Mortgage Deeds, to the contrary notwithstanding; but if Default shall be made or suffered in Payment of any Part of the Mortgage Monies aforesaid, whether of the Principal or Interest, which the Mortgagors, their Heirs, Executors, Administrators or Assigns, should or ought to pay, according to the Days of Payment aforesaid in their respective Deeds of Mortgage specified, the said Trustees, after Six Months next following such Default made as aforesaid, shall issue their Precept to the Sheriff of the County where the mortgaged Premises shall lie, commanding him to enter upon the Messuages, Lands, Rents and Hereditaments respectively, in the Deeds of Mortgage specified, and the same, or such Part thereof as shall be sufficient to discharge and satisfy the Mortgage Monies, with the Interest thereof, and Costs accruing on the Sale, to sell, on the Premises, by public Auction or Vendue, and convey to the highest Bidder, after at least Thirty Days public Notice given of such Sale, by advertising them in the Newspapers, and by affixing Advertisements in some of the most public Places in the County; and out of the Monies arising by such Sale to raise the principal Sums due, and to become due, with the Interest, Costs and Charges accrued, returning the Overplus, if any, to the Owners of such Lands and Hereditaments; and also to pay and deliver the said principal Sums and Interest to the said Trustees, for the Use of the Province; which said Precept the said Sheriff is hereby enjoined and required fully and impartially to execute; for which he shall have the same Fees for Advertising and Sale, as are allowed by Law for like Services where Lands are sold by a Writ of *Venditioni Exponas*, and no more.

Six Months after Default in Payment, Trustees to issue their Precept to the Sheriff of the County, &c.

XIX. *AND be it further enacted*, That the Mortgagor and Mortgagors of all such Lands as shall be sold, by Virtue of this Act, shall stand and be foreclosed of and from all Right of Redemption of the same.

Mortgagors foreclosed, &c.

XX. *AND be it further enacted by the Authority aforesaid*, That the said Trustees shall endorse upon each Mortgage Deed, their Receipts of all the yearly Quotas paid by the respective Mortgagors, distinguishing the principal Sum from the Interest, which they shall also note on the Counter-parts to them produced, when required; and upon the last Payment thereof, the said Trustees shall enter in the Margin of the Inrolment of the Mortgage Deed the Time of the Discharge thereof, for which they shall receive of the Mortgagor Sixpence, and no more.

Trustees to endorse their Receipts on the Mortgage Deeds, &c.

XXI. *AND* the said Trustees shall keep distinct, fair and true Accounts, of all the Sums they receive by Virtue of this Act, and of what they lend, emit or pay, by Virtue hereof, or by Orders of the Governor and Assembly, in regular Day Books, Journals and Ledgers, to be fairly kept for those Purposes; and shall exhibit the same, together with their other Vouchers, to the Committees of Assembly, appointed for settling the public Accounts, who shall adjust and settle the said Accounts, and report the same to the House.

And shall keep fair and true Accounts, &c.

XXII. *AND*

Trustees Sa-
lary

XXII. *AND be it further enacted by the Authority aforesaid*, That the said Trustees shall have and receive, for the Services enjoined and required of them by this Act, the Sum of *Six Hundred Pounds per Annum*, during the Continuance of their Re-emitting on Mortgage as aforesaid, and the Sum of *Five Hundred Pounds per Annum*, during the further Continuance of this Act, and no more, out of the Interest Money which shall come to their Hands by Virtue of this Act.

Deficiencies
happening in
any County,
how to be
made good.

XXIII. *AND be it further enacted by the Authority aforesaid*, That if it shall appear, on the Settlement of the Accounts of the said Trustees by the said Committees, and a Confirmation thereof by the House of Assembly, that any Deficiency hath happened, by any Borrower or Mortgagor's not having Right to the Lands or Tenements mortgaged, or in the Value thereof, or by any other Ways or Means whatsoever, to pay the Monies, and the Interest accrued thereon, with the Costs of such Suits as shall be prosecuted for the same, then, and in every such Case, the said Trustees, having an Order from the Assembly for the Purpose, shall draw an Order on the Treasurer of the County in which such Deficiencies shall happen, for the Payment of such Deficiencies, if so much Money shall then be in the Treasury, and if not, the said Trustees shall, and they are hereby authorised and empowered to issue their Precept to the Commissioners and Assessors of the said County, enjoining them to cause the said Deficiencies so happening, with such Costs and Charges as shall accrue and be paid by the said Trustees, in endeavouring to recover the same, forthwith to be assessed, raised and levied, of and upon the County, in the same Manner, by the same Persons, and under the same Pains, Penalties and Forfeitures, as other County Rates are by Law directed to be assessed, raised and levied; which the said Commissioners and Assessors are hereby enjoined and required to do. And the said Deficiencies, when so levied, shall be paid to the said Trustees, in order to replace the Bills of Credit so deficient.

Penalty on
Commission-
ers and As-
sessors, for
Refusal or
Neglect.

XXIV. *AND be it further enacted by the Authority aforesaid*, That if the said Commissioners and Assessors shall, upon Receipt of such Precept, refuse or neglect, with all convenient Speed, to cause to be assessed, raised and levied, all such Deficiencies as are mentioned in the said Precept, in the Manner herein before directed, every such Commissioner and Assessor, so refusing or neglecting, being thereof legally convicted, shall forfeit the Sum of *One Hundred Pounds* for every such Refusal or Neglect.

Trustees to
account once
a Year with
the Commit-
tees of As-
sembly, &c.

XXV. *AND be it further enacted by the Authority aforesaid*, That the said Trustees shall, once in every Year, or oftener, exhibit their Accounts aforesaid, and produce their said Books and other Vouchers, together with all Monies remaining in their Hands, unto the Committees of Assembly of this Province, appointed for that Purpose, who shall count the said Money, and settle and adjust the said Accounts, and make Report thereof to the Assembly: And all the Interest Money, by the said Trustees from Time to Time received, being accounted for, and the Salaries and Charges allowed by this Act deducted, the Residue thereof shall be paid by the said Trustees to the Provincial Treasurer, to be disposed of by the Governor and Assembly, and not otherwise. And the said Treasurer shall have and receive, for his Trouble in receiving and paying the same, *Ten Shillings* for every *Hundred Pounds*, and no more.

Bills to be
burnt, &c.

XXVI. *AND be it further enacted by the Authority aforesaid*, That all yearly Quotas and Payments in the Bills aforesaid (Part of the principal Sums to be emitted or re-emitted upon Loan as this Act directs) which, by Virtue of any Mortgage or Security to be taken as aforesaid, shall be recovered or received, and remain in the Hands of the Trustees on or after the First Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Eighty-four, the said Trustees shall from Time to Time, as they come to their Hands, exhibit the same Bills to the aforesaid Committees, who, having duly examined them, shall cause the same to be burnt and destroyed in their Presence.

XXVII. *AND* the better to prevent Inconveniencies arising from indulging the Mortgagors to be behind in their Payments hereby directed to be made, *Be it further enacted by the Authority aforesaid*, That the Trustees for the Time being shall, and they are hereby required to keep the Mortgagors aforesaid up

to

to their annual Payments, as by this Act is directed and appointed; and the Committees of Assembly, to be annually appointed to audit the said Trustees Accounts, are hereby directed not to allow of any Quotas in Arrear and unpaid, which have been due Twelve Months at the Time of the Settlement, but to consider and report the same as Monies in the Hands of the said Trustees, for which the said Trustees shall be accountable, excepting only such Sums for which the Trustees have commenced Suits, or otherwise have proceeded, according to the Direction of this Act, for the Recovery of the Money due.

Trustees to keep the Mortgagors up to their annual Payments, &c.

XXVIII. *AND be it further enacted by the Authority aforesaid*, That if any of the said Trustees herein before appointed, or hereafter to be appointed by Virtue of this Act, shall neglect or refuse to act as Trustee, or shall happen to die, or be removed for Misfeazance in his Office, some other fit Person shall be appointed by the Governor and Assembly in the Place or Places of such Trustee or Trustees, unless such Neglect, Refusal, Death or Removal, shall happen at a Time when there may be no Lieutenant-Governor residing in this Province; in which Case, and not otherwise, some other fit Person or Persons shall be appointed by the Assembly; and the said Trustee or Trustees, so to be appointed, shall have, hold and exercise, the same Powers and Authorities, to all Intents and Purposes, as if he or they were appointed by this Act.

Trustees dying, &c. how others are to be appointed.

XXIX. *PROVIDED always*, That none of the said Trustees, appointed in and by Virtue of this Act, shall continue in the Exercise of their said Offices longer than the Space of Four Years from the Time of the Commencement of their said Trust, and from thence until a new Nomination and Appointment shall be made by the Governor and Assembly, any Thing in this Act to the contrary notwithstanding.

Time of Continuance of the Trustees in their Office.

XXX. *AND be it further enacted by the Authority aforesaid*, That the said Trustees shall, for the better regulating of their said Office, choose and employ a fit and able Person for their Clerk, during their Pleasure, for whom they shall be answerable; who shall prepare the Deeds of Mortgage, with the Mortgagors Affidavits, Bonds, Warrants of Attorney, and Releases of Errors; and shall have and receive the following Fees, and no more, *viz.* For every Mortgage Deed, recording the same, the Counter-part or Copy thereof, the Mortgagor's Oath or Affirmation endorsed on the Mortgage Deed, and the Bond, Warrant of Attorney, and Release of Errors, the Sum of *Twenty Shillings*, and no more, to be paid by the said Mortgagor.

Trustees to choose a Clerk.

Clerk's Fees.

XXXI. *AND* the said Clerk shall keep true Accounts of the Names of all Persons applying to borrow on Securities, as this Act directs, and shall record their Deeds of Mortgage, in the same Order of Time as they were executed. And shall, once a Year, make out a List of the Names of all the Mortgagors, with the Sums they borrow, and Date of their Mortgage Deeds; and the same Lists shall transmit or deliver to the Committees of Assembly, to be appointed to settle the said Trustees Accounts: But before any Person, so chosen to be Clerk, shall enter upon the Execution of his Office, he shall take an Oath or Affirmation, before some Justice of the Peace, *That he will truly and faithfully perform the Office and Duty directed and required of him by this Act, wherein he will give no undue Preference or unnecessary Delays, or be guilty of any fraudulent Practice.*

His Duty and Qualification.

XXXII. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall presume to counterfeit any of the said Bills of Credit, directed to be emitted by this Act, by printing, or procuring the same to be printed, in the Likeness of the said genuine Bills of Credit; and also, if any Person or Persons shall forge the Name or Names of the Signers of the true Bills of Credit to such counterfeit Bills, whether the counterfeiting of the said Bills, or Names, be done within this Province, or elsewhere, or shall utter such Bills, knowing them to be so counterfeited as aforesaid, and being thereof legally convicted by Confession, standing mute, or by the Verdict of Twelve Men, in any Court of Oyer and Terminer within this Province, he, she or they shall suffer Death, without Benefit of Clergy; and the Discoverer or Informer shall have, as an Encouragement for his Discovery, the Sum of *Fifty Pounds*, to be levied out of the Goods and Chattels, Lands and Tenements of the Person convicted;

Counterfeiters, or Utters of counterfeit Bills, to suffer Death.

Discoverer's Reward.

Persons alter-
ing Bills, how
punished, &c.

viated; and if no such Goods and Chattels can be found, then the Trustees of the General Loan-Office shall pay to such Informer or Discoverer, his Executors, Administrators or Assigns, the Sum of *Ten Pounds*. And if any Person or Persons shall counterfeit any of the said Bills of Credit of this Province, by altering the Denomination of the said Bills, with Design to encrease the Value of such Bills, or shall utter such Bills, knowing them to be so counterfeited or altered as aforesaid, and shall thereof be legally convicted in any Court of Record in this Province, such Person or Persons shall be sentenced to the Pillory, and have both his or her Ears cut off, and nailed to the Pillory, and be publicly whipped on his or her bare Back with Thirty-one Lashes, well laid on; and moreover, every such Offender shall forfeit the Sum of *One Hundred Pounds*, lawful Money of *Pennsylvania*, to be levied on his or her Lands and Tenements, Goods and Chattels, the one Half to the Use of the Governor, and the other Half to the Discoverer; and the Offender shall pay to the Party grieved double the Value of the Damages thereby sustained, together with the Costs and Charges of Prosecution; and in case the Offender hath not sufficient to satisfy the Discoverer for his or her Damages and Charges, and pay the Forfeiture aforesaid, in such Case, the Offender shall, by Order of the Court where he or she shall be convicted, be sold for any Term, not exceeding Seven Years, for Satisfaction; and in such Case the said Trustees shall reward the Discoverer of such insolvent Offender to the Value of *Five Pounds*, out of the Interest Money which shall be in their Hands. And every such counterfeit Bill shall be delivered to the said Trustees, to be burnt or destroyed by them, in the Presence of a Committee of Assembly.

This Act to
be deemed a
public Act.

XXXIII. *AND it is hereby declared and enacted by the Authority aforesaid,* That this Act shall be taken and allowed, in all Courts and Places within this Province, as a public Act, and all Judges, Justices, and other Persons concerned, are hereby required to take Notice thereof as such, without pleading the same specially.

Passed February 26, 1773.

C A P. III.

An A C T for erecting a new Goal, Work-house and House of Correction, in the City of *Philadelphia*.

Preamble.

W H E R E A S it has been represented to the Assembly, that the Goal and Work-House in the City of *Philadelphia* are insufficient for the safe Custody of the Criminals and others committed to the same, and that, from the Smallness of the Lot of Ground, the Inconveniency of the Buildings and inner Apartments, and the increased Number of Persons confined therein, the Health, not only of the said Prisoners, but of the Inhabitants of the said City, is greatly endangered; for Remedy whereof, **B E I T E N A C T E D** by the Honourable **RICHARD PENN**, Esquire, Lieutenant-Governor, under the Honourable **THOMAS PENN**, and **JOHN PENN**, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That it shall and may be lawful to and for the Commissioners for the County of *Philadelphia* to borrow, from any Person or Persons, Bodies Politic or Corporate, who shall be willing to lend, any Sum or Sums of Money, which they shall think sufficient and necessary for the Purposes herein after mentioned; and every Lender shall receive a Certificate, in Writing, under the Hands and Seals of the said Commissioners, for the Payment of the Sum lent, with the Interest thereof, not exceeding *Six per Cent. per Annum*; which Certificate shall be entered in a Book to be kept for that Purpose, and the Interest Money arising thereon shall be paid, by their Orders drawn on the Treasurer for said County, out of the Monies yearly assessed for paying the County Debts.

Commission-
ers for Phila-
delphia Coun-
ty impowered
to borrow
Money, &c.

Lenders may
transfer their
Certificates,
&c.

II. *AND be it further enacted by the Authority aforesaid,* That the said Lender or Lenders, his, her or their Executors or Administrators, may assign and transfer his, her or their Certificate, with all his, her or their Right and Interest therein, by an Indorsement thereon, to any other Person or Persons, and

and so *toties quoties*; and afterwards it shall not be in the Power of the Person or Persons so assigning to make void, release or discharge the said Certificate.

III. *AND be it further enacted by the Authority aforesaid*, That the said Commissioners, with the Approbation of the Mayor and Recorder of the City of *Philadelphia*, and any two Justices of the County Court of Quarter Sessions for the County of *Philadelphia*, shall appropriate and apply the Monies so borrowed for and towards purchasing a Lot of Ground, in some convenient Part of the said City, and erecting thereon a commodious, strong and sufficient Goal, Work-House and House of Correction, with a good Yard to each of them, inclosed by Walls of a proper Height and Strength, for confining and detaining in safe Custody all Felons, Criminals and others, who shall be committed to the said Goal and Work-House by proper Authority.

Manner how the Money is to be appropriated.

IV. *AND*, in order to secure to the said Lenders the several and respective Sums of Money so lent, *Be it enacted by the Authority aforesaid*, That as soon as the said Goal, Work-House and House of Correction, shall be built and finished, and all the Felons, Criminals and others, then confined in the present Goal, Work-House and House of Correction, in the City of *Philadelphia*, shall be removed from thence to the Goal and Work-House, and House of Correction, hereby directed to be built (which the Sheriff of the County of *Philadelphia*, and the Keeper of the said Work-House and House of Correction for the Time being, are hereby enjoined and required to do) it shall and may be lawful for the said Commissioners, and they are hereby enjoined and required, to grant, bargain and sell the Lot or Piece of Ground in the City of *Philadelphia*, whereon the present Goal, Work-House and House of Correction now stand, containing in Breadth Sixty-six Feet, and in Length Two Hundred and Forty Feet, bounded Northward with *High-street*, Eastward with the third Street from *Delaware*, Southward with Back Lots, and Westward with a Lot, formerly belonging to *Thomas Rowland*, with the Buildings thereon erected, to any Person or Persons who shall be willing to purchase, and to his, her and their Heirs and Assigns, for ever, for the greatest Sum or Sums of Money that can be procured for the same; and upon Receipt of the said Money, to pay the Sums so borrowed, with the Interest then due, and to pay the Residue to the Treasurer for the County of *Philadelphia*, for the Use of the said County; but if the Sale of the said Lot and Buildings shall not produce Money sufficient for the Purpose aforesaid, such Deficiency shall be paid and satisfied by a just and rateable Tax or Assessment, to be laid, assessed and levied, on all Estates, real and personal, within the said City and County, by the same Persons, under the same Pains and Penalties, to be recovered in the same Manner, as other County Rates and Taxes are or shall be laid, assessed and levied, agreeable to the Directions of the Act of General Assembly, passed in the Eleventh Year of His late Majesty GEORGE the First, intituled, *An Act for raising of County Rates and Levies*.

Commissioners impowered to sell the old Goal, &c.

and pay off the Sums borrowed.

Deficiency to be supplied by a Tax.

V. *AND* whereas the said Lot of Ground, herein before described and directed to be sold, was formerly vested in *Joshua Carpenter*, now deceased, but then the surviving Trustee, and his Heirs, to and for the Use, Benefit and behoof of the City and County of *Philadelphia*, for a Place to erect a Prison, Work-House and House of Correction, or other public Use or Services, as more fully appears by a certain Indenture or Declaration of Trust, made between the said *Joshua Carpenter* of the one Part, and the Mayor and Commonalty of the City of *Philadelphia* of the other Part, bearing Date the Twenty-second Day of *November*, in the Year of our Lord One Thousand Seven Hundred and Twenty-one. And whereas it is but just and reasonable that the Person and Persons, who shall become Purchasers of the said Lot of Ground, with the Appurtenances, should hold and enjoy the same, freely and clearly acquitted and discharged, as well of and from the Trust and Uses aforesaid, as all Claims of the Heirs of the said *Joshua Carpenter*, *Be it therefore enacted by the Authority aforesaid*, That all and every Person and Persons, who shall purchase the said Lot of Ground, hereby directed to be sold, or any Part or Parcel thereof, and receive a Deed for the same, under the Hands and Seals of the said Commissioners of the County of *Philadelphia*, with the Approbation of the said Mayor, Recorder and Justices, shall hold and enjoy the said Lot or Piece of Ground,

Purchasers of the lot to hold the same in Fee, &c.

or

or the Part or Parcel thereof to them respectively conveyed, in Fee, and that fully and absolutely acquitted, exonerated and discharged, of and from the Uses, Trusts and Purposes, mentioned and contained in the said recited Indenture, and of and from all Claims, Rights, Titles and Demands, of the Heirs of the said *Joshua Carpenter*, to all Intents and Purposes,

VI. AND whereas it is necessary that the Lot of Ground hereby directed to be purchased for erecting the Goal, Work-House and House of Correction thereon, should be vested in some Body, capable in Law to hold the same, in Trust for the said City and County, *Be it therefore enacted by the Authority aforesaid*, That the Commissioners for the County of *Philadelphia* shall, in Name and in Fact, be one Body Politic and Corporate in Law, and shall have perpetual Succession, for the Uses and Purposes herein after particularly mentioned, and no other; and, by the Name of COMMISSIONERS FOR THE COUNTY OF PHILADELPHIA, shall and may purchase the said Lot of Ground hereby directed to be purchased, with the Approbation of the said Mayor, Recorder and Justices, and receive, take and hold the same, to the Uses, Intents and Purposes herein before mentioned, and may sue and be sued, plead and be impleaded, in respect to the said Lot or Piece of Ground, or any Matter or Thing thereunto relating.

VII. *AND be it enacted by the Authority aforesaid*, That the said new Work-House and House of Correction, when built and erected, shall be under the Government and Direction of such Person and Persons, managed by the same Officers, and conducted and supported in the same Manner, as by a former Act of Assembly, passed in the Fourth Year of the Reign of His late Majesty GEORGE the First, intituled, *An Act for erecting of Houses of Correction and Work-Houses in the respective Counties of this Province*, is directed and provided, any Thing in the said Act to the contrary notwithstanding.

Passed February 26, 1773.

C A P. IV.

An ACT for preserving the Navigation in *Shearman's Creek*, in the County of *Cumberland*, and to prevent the Destruction of Fish in the same.

Preamble.

WHEREAS it hath been represented to the Assembly, by Petition from a Number of the Freeholders of the County of *Cumberland*, living near or adjoining to *Shearman's Creek*, in said County, that the Navigation of the said Creek has been obstructed by a Saw-mill Dam, erected across the said Creek, near the Mouth, by a certain *James Patton*; therefore, for preserving the Navigation in the said Creek, BE IT ENACTED by the Honourable RICHARD PENN, Esquire, Lieutenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the said *James Patton*, and all and every Person or Persons claiming under him, and all and every Person or Persons whatsoever, having already erected any Mill-dam or other Obstruction across the said Creek, where the same has been or can be made navigable for Rafts, Boats or Canoes, shall make, open and leave the Space of Twenty Feet in Breadth near the Middle of the said Dam, at least two Feet lower than any other Part thereof; and for every Foot that the Dam is or shall be raised perpendicular from the Bottom of the said Creek, there shall be laid a Platform, either of Stone or Timber, or both, with proper Walls on each Side, to confine the Waters, which shall extend at least Six Feet down the Stream, and of the Breadth aforesaid, to form a Slope for the Waters gradual Descent, for the easy and safe Passage of Boats, Rafts and Canoes, through the same. And that all and every Person, who shall refuse or neglect to make or alter his, her or their Dams, in the Manner directed as aforesaid, within the Term of Eight Months next after the Passing this Act, every Person so offending, contrary to the true Intent and Meaning of this Act, being thereof legally convicted in the Court of Quarter Sessions

Manner of regulating Mill-dams, &c.

Commissioners incorporated, &c.

New Work-House, &c. to be conducted and supported as by Act of 4th George I.

Sessions of the County aforesaid, by the Oath or Affirmation of one or more Witnesses, or by his or her own Confession, shall forfeit and pay the Sum of *Fifty Pounds*, lawful Money of this Government, for every such Offence, or suffer Six Months Imprisonment without Bail or Main-prize; one Moiety of which Forfeiture shall be paid to the Informer or Prosecutor, and the other Moiety to the Overseers of the Poor of the Township where such Offender shall reside, for the Use of the Poor of the said Township.

II. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons whatsoever, from and after the Publication of this Act, shall erect, build, set up, repair or maintain, or shall be aiding, assisting or abetting, in erecting, building, setting up, repairing or maintaining, any Wear, Rack, Basket, Fishing-dam, Pound, or other Device or Obstruction whatsoever, within the said Creek, for the taking of Fish; or that shall fix or fasten any Net or Nets across the same, or any Part thereof, whereby the Fish may be obstructed from going up the same; or that shall take, destroy or spoil any Spawn, Fry or Brood of Fish, of any Kind whatsoever, in any such Wear, Rack, Basket, Pound or other Device aforesaid, every such Person so offending, being thereof legally convicted in Manner aforesaid, shall forfeit and pay the Sum of *Ten Pounds*, lawful Money of this Government, for every such Offence, or suffer one Month's Imprisonment, without Bail or Main-prize; one Moiety of which Forfeiture shall be paid to the Informer or Person prosecuting for the same, the other Moiety to the Use of the Poor of the Township where such Offender shall reside.

III. *AND for the more effectual detecting and punishing Offenders against this Act, Be it enacted by the Authority aforesaid*, That the Constables of each respective Township, which shall be bounded by or adjoining to any Part of said Creek, shall, and they are hereby enjoined and required, under the Penalty of *Twenty Shillings*, to be recovered as Debts not exceeding *Five Pounds* are directed by Law to be recovered, and to be applied in the Manner last aforesaid, carefully and diligently to inspect and view, once at least in every Month, after the Publication of this Act, such Parts of the said Creek as shall be adjoining to his respective Township; and having any Knowledge of any Offence against this Act, shall forthwith give Information to the next Justice of the Peace, who shall call such Offender before him by Warrant or Summons, and if, on hearing, he shall appear to be guilty of any Offence against this Act, the said Justice shall take his Recognizance, with one sufficient Surety, for his Appearance at the next Court of General Quarter Sessions of the Peace, to be held for the said County.

IV. *AND be it further enacted by the Authority aforesaid*, That after the said Dams shall be altered or built, agreeable to the true Intent and Meaning of this Act, no Person or Persons whatsoever shall cast or draw any Net or Seine in the said Creek, at or within the said Opening, or within Twenty Perches above or below the same, under the Penalty of *Five Pounds*, to be recovered and applied in Manner first aforesaid.

V. *PROVIDED always nevertheless*, That nothing in this Act contained shall be construed or understood to deprive or hinder any Person from drawing a Seine or Net, for the taking of Fish in any Part of the said Creek, except in the Places last aforesaid.

VI. *AND be it further enacted by the Authority aforesaid*, That the said Creek, so far up as the same has been or can be made navigable for Rafts, Boats or Canoes, shall be, and is hereby declared to be, a public Highway.

VII. *PROVIDED always*, That nothing herein contained shall be deemed or taken to prevent the said *James Patton*, and all Persons claiming under him, from erecting and maintaining the aforesaid Dam in the Manner herein before directed.

Passed February 26, 1773.

C A P. V.

An ACT to amend the Act, intituled *An Act to regulate the Assize of Bread, and for other Purposes therein mentioned.*

Preamble.

WHEREAS it is enacted, by the Act of General Assembly, passed in the Twelfth Year of His present Majesty's Reign, intituled, *An Act to regulate the Assize of Bread, and for other Purposes therein mentioned*, that it should and might be lawful for the Clerks of the Markets, in the Places in the said Act mentioned, with two reputable Freeholders, to search for, examine, weigh, and seize all Bread, which should be deficient in Weight or Fineness, and not baked and marked as by the said Act is directed.

Part of the former Law repealed.

AND whereas the Appointment of the said Freeholders to assist the Clerk of the Market in the Discharge of the Duties aforesaid, has been found inconvenient; BE IT THEREFORE ENACTED by the Honourable RICHARD PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Free-men of the said Province, in General Assembly met, and by the Authority of the same, That so much of the said Act as relates to the Appointment of the said Freeholders, the Duty enjoined and required of them, and the Appeal given and granted upon the Seizure of Bread, shall be, and is hereby declared to be repealed.

Clerks of the Markets to exercise all the Powers, &c.

II. *AND be it further enacted by the Authority aforesaid*, That the Clerks of the Markets, where the Assize of Bread shall be set in Pursuance of the said Act, shall, from and after the passing of this Act, exercise all the Powers, Authorities and Duties given, granted and declared to be the Powers, Authorities and Duties of the said Clerk and Freeholders, to all Intents and Purposes, any Thing herein before, or in the said recited Act contained, to the contrary notwithstanding.

Disputes respecting the Seizure of Bread, how determined.

III. *AND be it further enacted by the Authority aforesaid*, That where any Dispute shall happen, respecting the Seizure of any Bread, in any of the Places where the Assize of Bread is directed by the said recited Act to be regulated and set, upon Application made by the Baker or Owner of such Bread to one of the Magistrates of the City or County respectively, in which the Dispute shall happen, the said Magistrate shall issue his Warrant to three indifferent and judicious Persons, directing them to view the said Bread, and to make Report to him, according as they shall find the same, and the said Magistrate shall thereupon proceed to give Judgment on the said Report, or the Report of any Two of them.

Passed February 26, 1773.

C A P. VI.

An ACT for the Relief of *William Ritchie*, a languishing Prisoner in the Goal of *Philadelphia*, and *John Milliron*, a languishing Prisoner in the Goal of *Lancaster County*, with respect to the Imprisonment of their Persons.

Passed February 26, 1773.—Private Act.

C A P. VII.

An ACT to repeal the Act, intituled, *An Act to prevent Frauds and Abuses in the manufacturing of Leather.*

Passed February 26, 1773.

C A P. VIII.

An ACT for erecting a Part of the County of *Bedford* into a separate County.

Preamble.

WHEREAS a great number of the Inhabitants of the County of *Bedford*, on the West Side of the *Laurel Hill*, have represented to the Assembly of this Province the great Hardships they lie under, from being so remote

mote from the present Seat of Judicature and the public Offices; for Remedy whereof, BE IT ENACTED by the Honourable RICHARD PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all and singular the Lands lying within the Province of *Pennsylvania*, and being within the Boundaries following; that is to say, beginning in the Province Line, where the most westerly Branch, commonly called the *South* or *Great Branch* of *Roughiogony* River crosses the same; then down the easterly Side of the said Branch and River to the *Laurel Hill*; thence along the Ridge of the said Hill, North-eastward, so far as it can be traced, or till it runs into the *Allegany* Hill; thence along the Ridge dividing the Waters of *Susquebanna* and the *Allegany* River, to the Purchase Line, at the Head of *Susquebanna*; thence due West to the Limits of the Province, and by the same to the Place of Beginning, shall be, and the same is hereby declared to be, erected into a County, henceforth to be called *WESTMORELAND*. Boundaries of the County.

II. *AND* be it further enacted by the Authority aforesaid, That the Inhabitants of the said County of *Westmoreland* shall, at all Times hereafter, have and enjoy all and singular the Jurisdictions, Powers, Rights, Liberties and Privileges whatsoever, which the Inhabitants of any other County, within the said Province, do, may or ought to enjoy, by any Charter of Privileges, or the Laws of this Province, or by any other Ways and Means whatsoever, excepting only in the Number of Representatives to serve in General Assembly of this Province; in which Case, *It is provided, and further enacted by the Authority aforesaid*, That the Freeholders and Inhabitants of each Township, within the said County, qualified by the Laws of this Province to elect, shall meet at some convenient Place within their respective Townships, at the same Time the Freeholders and Inhabitants of the several Townships of the other Counties shall meet for like Purpose, and proceed to choose Inspectors; and that the Freemen and Inhabitants of the said County, qualified as aforesaid, shall meet at *Robert Hanna's* House, until the Court-House shall be built for the said County, at the same Time the Inhabitants of the other Counties shall meet for the like Purpose, and proceed to elect one Representative or Delegate, to serve them in Assembly, in the same Manner, and under the same Rules, Regulations and Penalties, as by the Charter and Laws of this Province are directed in respect to other Counties; which said Representative, when so chosen, shall be a Member of the General Assembly of the Province of *Pennsylvania*, and shall sit and act as such, as fully and freely as any of the Representatives for the other Counties within this Province do, may, can or ought to do. Its Name.
Privileges granted to it.
Freeholders to meet and choose Inspectors.
One Representative to be elected.

III. *AND* be it further enacted by the Authority aforesaid, That all Taxes already laid within the Bounds of the said County of *Westmoreland*, by Virtue of any Act of General Assembly of this Province, which are not already paid, shall be collected by the respective Collectors within the Bounds aforesaid, and paid into the Hands of the Treasurer of the County of *Bedford*; and that all Persons concerned in the levying, receiving and paying the said Taxes, shall have the same Power and Authority, and be under the same Penalties and Restrictions for collecting and paying the same, as by the said Acts, by which the said Taxes were assessed, are expressed and directed, until the whole be collected and paid as aforesaid. Taxes already laid in the County of *Westmoreland*, to be paid the Treasurer of *Bedford*.

IV. *AND* be it further enacted by the Authority aforesaid, That the Justices of the Supreme Court of this Province shall have like Powers, Jurisdictions and Authorities, within the said County of *Westmoreland*, as by Law they are vested with, and entitled to, in the other Counties within the Province aforesaid; and are hereby authorized and impowered, from Time to Time, to deliver the Goals of the said County of capital or other Offenders, in like Manner as they are authorized to do in other the Counties aforesaid. Justices of the Supreme Court to have like Powers, &c.

V. *AND* be it further enacted by the Authority aforesaid, That there shall be a competent Number of Justices, nominated and authorized by the Governor for the Time being, by Commissions, under the Broad Seal of the Province; which

Courts of
Quarter Ses-
sions, &c. to
be held.

Time of
holding
Courts.

Time and
Place of
Elections.

Trustees for
building a
Court-House
and Prison.

Money to be
raised for
those Pur-
poses.

Suits now de-
pending, not
to be stayed,
&c.

Collector of
Excise ap-
pointed.

which said Justices, or any three of them, shall and may hold Courts of General Quarter Sessions of the Peace and Goal Delivery, and County Courts for holding of Pleas; and shall have all and singular the Powers, Rights, Jurisdictions and Authorities, to all Intents and Purposes, as other the Justices of the Courts of General Quarter Sessions, and Justices of the County Courts for holding of Pleas, in the other Counties aforesaid, may, can or ought to have in their respective Counties; which said Courts shall sit and be held for the said County of *Westmoreland*, on the *Tuesdays* next preceding *Bedford* County Courts, in every of the Months of *January*, *April*, *July* and *October*, at the Place aforesaid, within the said County of *Westmoreland*, until a Court-House shall be built; and when the same is built and erected in the County aforesaid, the said several Courts shall then be holden and kept at the said Court-House, on the Days before mentioned. And the Election of a Representative to serve in General Assembly, Assessors, and all other Officers of the said County, who are or shall be appointed to be annually elected, shall be made and elected at or near the said Court-House, at the same Time, and in the same Manner, as by the Charter of Privileges, and the Laws of the Province aforesaid, is directed to be done in the other Counties within this Province. And it shall be lawful for the Freemen of the said County, for the first Year, to choose three Commissioners, for raising County Rates and Levies for the said County.

VI. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for *Robert Hanna*, *George Wilson*, *Samuel Sloan*, *Joseph Irwin* and *John Caveat*, or any three of them, to purchase and take Assurance to them and their Heirs of a Piece of Land situate in some convenient Place in the said County, to be approved of by the Governor, in Trust, and for the Use of the Inhabitants of the said County, and thereupon to erect and build a Court-House and Prison, sufficient to accommodate the public Service of the said County.

VII. *AND be it further enacted by the Authority aforesaid*, That for the defraying the Charges of purchasing the Land, building and erecting the Court-House and Prison aforesaid, it shall and may be lawful to and for the Commissioners and Assessors of the said County, or a Majority of them, to assess and levy, and they are hereby required to assess and levy, in the Manner directed by the Act for raising County Rates and Levies, so much Money as the said Trustees, or any three of them, shall judge necessary for purchasing the Land, and finishing the said Court-House and Prison. *Provided always* the Sum of Money to be raised, does not exceed *One Thousand Pounds*, Money of this Province.

VIII. *PROVIDED also, and be it further enacted by the Authority aforesaid*, That no Action or Suit, now commenced or depending in the County of *Bedford*, against any Person living within the Bounds of the said County of *Westmoreland*, or elsewhere, shall be stayed or discontinued by this Act, or by any Thing herein contained, but that the same Actions already commenced or depending may be prosecuted, and Judgment thereupon rendered, as if this Act had not been made. And that it shall and may be lawful for the Justices of the said County of *Bedford* to issue any judicial Process, to the Sheriff of the County of *Bedford* aforesaid, for carrying on and obtaining the Effect of their Suits; which Sheriff shall be, and is hereby obliged to yield Obedience in executing the said Writs, and make due Return thereof, before the Justices of the Court of the said County of *Bedford*, as if the Parties lived and resided within the same.

IX. *AND be it further enacted by the Authority aforesaid*, That *James Kinkead*, of the said County of *Westmoreland*, be, and is hereby appointed Collector of the Excise of the same County, who is hereby authorized and empowered, by himself, or his sufficient Deputy, duly constituted, and for whom he shall be accountable, to demand, collect, receive and recover, the Excise appointed to be paid by any Act or Acts of Assembly of this Province, and also the Arrearages thereof, of and from all and every Person and Persons, within the said County, retailing, vending or consuming any of the Liquors, by the said Acts liable to pay the same; and also to recover and receive all and every the Duties, Fines and Forfeitures, laid or imposed, or that shall happen to arise or become due, for any Thing done contrary to the Intent of the said Acts.

X. *AND*

X. *AND be it further enacted by the Authority aforesaid*, That the said Collector of Excise for the County of *Westmoreland* aforesaid, the better to enable him to recover the Arrearages of Excise which shall be due before the Passing of this Act, shall apply to the Collector of Excise for the County of *Bedford* for a List, which the Collector of the said County is hereby enjoined and required to deliver, containing the Names of each and every Person in Arrear for Excise within the said County, and how much from each of them.

Collector of
Bedford to
give a List.

XI. *AND be it further enacted by the Authority aforesaid*, That the Collector of the County of *Westmoreland* aforesaid, before he enters upon the Execution of his said Office, is hereby required to give Bond, with two sufficient Sureties, to the Treasurer of this Province for the Time being, in the Sum of *Two Hundred Pounds*, Money of the Province aforesaid, for the faithful Discharge of his Duty, and paying all such Sums of Money as he shall from Time to Time receive, by Virtue of this Act. And further, the Collector of the said County of *Westmoreland* shall, in all Things, govern himself, and be subject to the same Regulations, Restrictions, Fines and Forfeitures, and shall observe like Rules, Orders and Directions, as the Collectors of other the Counties aforesaid, by the Laws of this Province, are liable to. And the said Collector, for the Discharge of the Duty of his Office within the said County of *Westmoreland*, shall have and receive like Fees, Perquisites and Rewards, for his Services enjoined by this Act, as other the Collectors aforesaid (the Collector of *Philadelphia* County excepted) by the Acts aforesaid are intitled unto, for the Services enjoined them by the Acts aforesaid.

Collector to
give Bond.

His Duty,

and Fees.

XII. *AND be it further enacted by the Authority aforesaid*, That until a Sheriff and Coroner shall be chosen in the County of *Westmoreland*, in Pursuance of this Act, it shall and may be lawful for the Sheriff and Coroner of *Bedford* to officiate and act in the Discharge of their respective Duties, as fully and amply as they may or can do in their County of *Bedford*; one of whom, or his Deputy, shall attend and discharge the Duty of his Office, according to the Laws of this Province, at the next Election for *Bedford* County aforesaid, and the other of them, or his Deputy, shall attend and discharge the Duty of his Office, in like Manner, at the first Election next to be held in the County of *Westmoreland* aforesaid, in Pursuance of the Direction of this Act.

Sheriff or Co-
roner of *Bed-
ford* to attend
the first Elec-
tion.

XIII. *AND be it further enacted by the Authority aforesaid*, That before any Sheriff, hereafter to be appointed or commissioned for the said County of *Westmoreland*, shall enter upon the Duties of his Office, he shall become bound in an Obligation, with two or more sufficient Sureties, to be approved of by the Governor of this Province for the Time being, in the Sum of *One Thousand Pounds*, and with like Conditions as the Sheriffs of the other Counties within this Province are enjoined and required to become bound; which said Obligation shall be taken in the King's Name, and entered upon Record in the Office for recording of Deeds in the said County of *Westmoreland*, and shall be only in Trust to and for the Use and Benefit of the Person or Persons, who shall be injured by any Breach, Neglect or Omission of Duty in such Sheriff, and shall be proceeded on in the same Manner as is directed, in respect to Sheriffs Bonds, in and by the Act of General Assembly, intituled, *An Act for the regulating Elections for Sheriffs and Coroners*; and that the Treasurer, hereafter to be appointed for said County, for receiving the Provincial Taxes, before he shall enter on the Duties of his Office, shall give Security, in like Manner as other County Treasurers for that Purpose are by Law directed to give Security, in the Sum of *Fifteen Hundred Pounds*; and that the Treasurer for said County, for receiving the County Levies, shall in like Manner give Security, in the Sum of *Six Hundred Pounds*.

Sheriffs, &c.
to give Secu-
rity.

XIV. *AND to the End the Boundaries of the said County of Westmoreland may be the better ascertained and known*, *Be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for *Abraham Keble*, *Thomas Smith*, and *Alexander M'Clean*, or any two of them, and they are hereby required and firmly enjoined, within the Space of Six Months next after the Publication of this Act, to assemble themselves together, and run, mark out and distinguish the Boundary Lines between the said Counties of *Bedford* and *Westmoreland*, or so much thereof as they, or a Majority of them, shall judge con-

Boundary
Lines to be
run within six
Months after
Publication
of this Act.

venient and necessary; and the Charges to arise for the doing thereof shall be defrayed by the said County of *Westmoreland*, and to that End levied and raised by the Inhabitants thereof, in such Manner as other public Money, for the Use of the said County, by Law ought to be raised and levied.

Passed February 26, 1773.

C A P. IX.

An ACT for vesting a certain Tract of Land in the Township of *Middleton*, and County of *Cumberland*, and a Lot in the Town of *Carlisle*, in the said County, in Trustees, to be sold for the Purpose therein mentioned.

Passed February 26, 1773.—Private Act.

C A P. X.

A SUPPLEMENT to the Act, intituled, *An Act for making the River Schuylkill navigable, and for the Preservation of the Fish in the said River.*

Preamble.

WHEREAS many of the Commissioners appointed in and by the Act of General Assembly, passed in the First Year of His present Majesty's Reign, intituled, *An Act for making the River Schuylkill navigable, and for the Preservation of the Fish in the said River*, are, since the Passing of the same, deceased, so that the good Regulations and Provisions in the said Act contained cannot be enforced, to the great Detriment of the Trade and Commerce of this Province; BE IT THEREFORE ENACTED by the Honourable RICHARD PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That *David Rittenhouse, Anthony Levering, John Roberts, Miller, William Dewees, junior, David Thomas, James Hockley, Thomas Potts, Mark Bird, James Star, Jacob Kern, and John Pawling, junior*, shall be, and they are hereby appointed Commissioners for clearing, scouring and making the River *Schuylkill* navigable, and for putting in Execution all and every other the Purposes in the said Act mentioned; and that they, or a Majority of them, or of the Survivors of them, shall have, hold and exercise, all and every the Powers, Authorities, Jurisdictions, Rights and Privileges, given and granted in and by the said recited Act to the Commissioners therein appointed, and shall be subject to the same Duties, to all Intents and Purposes, as if they had been the Commissioners therein particularly appointed.

Commissioners appointed for putting the Act in Execution;

who are to have like Powers, &c.

Surviving Commissioners, formerly appointed, to deliver all Monies, &c. to the present Commissioners.

Part of the former Act repealed.

II. AND be it further enacted by the Authority aforesaid, That the surviving Commissioners, appointed by the said recited Act shall, and they are hereby enjoined and required, immediately after the Passing of this Act, to deliver over to the Commissioners herein before appointed, all and every Sum and Sums of Money by them collected and received, and remaining in their Hands unappropriated and applied to the Purposes mentioned in the said recited Act, together with all Books, Subscriptions, and other Papers, Vouchers and Accounts, and all Tools and Implements, which have been provided for opening and clearing the said River, and shall be in their or any of their Custody, Power or Possession.

III. AND be it further enacted by the Authority aforesaid, That so much of the Act, to which this Act is a Supplement, as relates to the Appointment of Commissioners, shall be, and is hereby declared to be, repealed.

IV. AND whereas the Commissioners, appointed in and by the said recited Act, did agree with *Charles Norris*, Esq; late deceased, that he should be permitted and suffered, from Time to Time, as Occasion should require, to repair, keep up and maintain a certain Mill-dam, running across the Eastern Channel of the said River, from the main Eastern Shore thereof to *Barbadoes Island*, which, before the Date of the said Agreement, had been made and erected by the said *Charles Norris*, for the Use of his Mill, on Condition that he, the said *Charles*, should and would build, erect and carry out, from the upper End of the said Island, a Dam or Wall, of at least Twenty Perches in Length, and inclining in some Degree to the Eastern Side of the said River, and of such Height, as should be

be above the Waters at all Times, other than in Freshes, so as to direct the Waters in to the Western Channel, and also should and would, in the building the said Wall or Dam, make Use of the Stones lying in the said Western Channel. And whereas, since the Agreement aforesaid, the Administrators of the said *Charles Norris* did convey and make over the said Mill, with the Appurtenances, to *John Bull*, Esq; and it is but just and reasonable, in case the said *John Bull* should be permitted and suffered to hold and enjoy the Advantages arising from the repairing, keeping up and maintaining the said Mill-dam, that he should, on his Part, fulfil and perform the Condition aforesaid, *Be it therefore enacted by the Authority aforesaid*, That the said *John Bull*, his Heirs or Assigns, shall, and he or they are hereby enjoined and required, within the Space of Eight Months from and after the Passing of this Act, to build, erect and carry out the said Dam or Wall, of the Length, Height, and in the Place aforesaid, according to the true Intent and Meaning of the said Agreement, and at all Times, whenever the same can be done thereafter, to keep up, support and maintain the same; and in case the said *John Bull*, his Heirs or Assigns, shall refuse or neglect to build, erect, and carry out the said Wall and Dam, in Manner aforesaid, within the Time aforesaid, or shall thereafter neglect or refuse to repair, keep up and maintain the same, at his or their own proper Costs and Charges, according to the true Intent and Meaning of the said Agreement, that then, and in such Case, the said Agreement, and every Part thereof, shall be void; and in that Case, and not otherwise, it shall and may be lawful for the said Commissioners appointed by this Act, or a Majority of them, or of the Survivors of them, to prostrate and remove the said Mill-dam.

Manner how *John Bull* is to repair, support and maintain, his Mill-dam, &c.

V. *PROVIDED* always, and be it further enacted by the Authority aforesaid, That if at any Time hereafter the Commissioners appointed by this Act, or a Majority of them, or of the Survivors of them, shall think it necessary to prostrate or remove the said Mill-dam, it shall and may be lawful for them to apply to the Justices of the County Court of Quarter Sessions for the County of *Philadelphia*, who shall issue Process, directed to the Sheriff of the said County, commanding him, by an Inquest of Twelve honest and lawful Men, duly qualified according to Law, to be struck by the Clerk of said Court, and afterwards by the Parties, and summoned by the said Sheriff, to enquire what Damages the said *John Bull*, his Heirs or Assigns, shall justly and reasonably suffer, by Reason of the Prostrating and Removal of the said Mill-dam, and to make Return of the said Inquest, in Writing, under his Hand and Seal, and the Hands and Seals of the said Inquest; and if the said Commissioners shall pay, or tender the Sum of Money awarded by the said Inquest, as a Satisfaction for the Damages aforesaid, then, and not otherwise, it shall be lawful for the said Commissioners to prostrate, and totally to remove the said Mill-dam, and open, and for ever thereafter to keep open, the said Eastern Channel of the said River, free and clear from all Manner of Impediments and Obstructions to the Navigation thereof.

Manner of proceeding, in case the Commissioners shall think it necessary to remove the said Dam.

Passed February 26, 1773.

C A P. XI.

An A C T for making perpetual the Act, intituled, *An Act for laying a Duty on Negroes and Mulatto Slaves, imported into this Province*, and laying an additional Duty on the said Slaves.

WHEREAS the Act of General Assembly, passed in the First Year of His present Majesty's Reign, intituled, *An Act for laying a Duty on Negroes and Mulatto Slaves, imported into this Province*, and one other Act, intituled, *A Supplement to the Act, intituled, An Act for laying a Duty on Negroes and Mulatto Slaves, imported into this Province*, were continued beyond the Term limited in the said Acts, by the Act of General Assembly, passed in the Eighth Year of the same Reign, intituled, *An Act to continue the Act for laying a Duty on Negroes and Mulatto Slaves, imported into this Province*; and one other Act, intituled, *A Supplement to the Act, intituled, An Act for laying a Duty on Negroes and Mulatto Slaves, imported into this Province*; and whereas all the said recited Acts are near expiring, and inasmuch as the said first recited Act has been

Preamble.

Act of the
First of GEO.
III. made per-
petual.

been found by Experience to be of great public Utility, We, the Representatives of the Freemen of the Province of *Pennsylvania*, do pray that it may be enacted, AND BE IT ENACTED by the Honourable RICHARD PENN, Esquire, Lieutenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the said Act of General Assembly, passed in the First Year of his present Majesty's Reign, intituled, *An Act for laying a Duty on Negroes and Mulatto Slaves, imported into this Province*, and every Article, Clause and Thing therein contained (except the Clauses appointing the Officer or Collector to put the said Act in Execution, and for limiting the Continuance thereof) shall be, and are hereby made perpetual, any Thing in the said Act to the contrary notwithstanding.

Additional
Duty to be
levied, &c.

II. AND whereas the laying an additional Duty on Negroes and Mulatto Slaves, imported into this Province, will be of still greater public Advantage, *Be it therefore enacted by the Authority aforesaid*, That from and after the Passing of this Act, there shall be raised, levied, collected and paid, for every Negroe or Mulatto Slave imported into this Province (except only such Negroes and Mulatto Slaves as are in the said Act, hereby made perpetual, excepted) the Sum of *Ten Pounds*, over and above the Duty imposed in and by the last mentioned Act; and that the said additional Duty shall be raised, collected and paid, by the same Persons, in the same Manner, and under the same Penalties and Forfeitures, as the Duty imposed by the said Act, hereby made perpetual, is therein directed to be raised, collected and paid.

Manner of
applying the
additional
Duty arising
by this Act.

III. *AND be it further enacted by the Authority aforesaid*, That the Collector of the additional Duty, by this Act imposed, shall pay the same, after deducting *Five per Cent.* for his Trouble in receiving and paying thereof, with all reasonable Charges by him expended in the Prosecution of any Seizures, and Recovery of any Fines, Forfeitures and Penalties, in Pursuance of this Act, to the Provincial Treasurer, to be by him applied towards sinking the Sums of Money heretofore granted to His Majesty's Use; and after the said Sums shall be fully sunk, then that the Surplus shall remain in his Hands, to be disposed of by the Governor and Assembly.

Treasurer's
Reward.

IV. *AND be it further enacted by the Authority aforesaid*, That the said Treasurer shall have for his Trouble *Ten Shillings* for every *Hundred Pounds*, which he shall receive and pay by Virtue of this Act, and no more.

Collector ap-
pointed;

V. *AND be it further enacted by the Authority aforesaid*, That *Thomas Coombe*, of the City of *Philadelphia*, shall be, and is hereby appointed, Collector of the Duties, and Receiver of all Fines, Forfeitures and Penalties, imposed by the said Act, hereby made perpetual, and this Act; and he is hereby authorised, enjoined and required to do, execute and perform, all and every the Acts, Matters and Things, enjoined and required to be done and performed by the Collector of the said Duties by the same Acts, he, the said *Thomas Coombe*, before he enters upon the Execution of his said Office, giving Bond, with one or more sufficient Sureties, to the Provincial Treasurer for the Time being, in the Sum of *Five Hundred Pounds*, with Condition for the due Execution of his Trust, and Performance of all Matters and Things required of him, as well by this Act, as by the Act hereby made perpetual.

who is to give
Security.

Passed February 26, 1773.

C A P. XII.

An ACT for vacating a Part of a Road in the Township of the *Northern Liberties*, and for confirming a new Road, laid out and made instead thereof.

Preamble.

WHEREAS by an Order of the Governor and Council, on the Eleventh Day of *January*, One Thousand Seven Hundred and Twelve, a Road was laid out, beginning at the North Side of *Vine-street*, and the End of the Front Street of the City of *Philadelphia*, on *Delaware Side*, and thence proceeding

ing by the several Courses and Distances following, *viz.* North Twenty-one Degrees Easterly, Fifty-two Perches, to *Nathaniel Pool's* House; North Twenty-two Degrees Easterly, Fifty-six Perches, to *Daniel Pegg's* Porch; North Twenty-one Degrees Easterly, Sixty-one Perches; North One Degree West, Sixty-six Perches; North two Degrees West, Sixteen Perches over the Marsh and Mill Creek; North Twenty-two Degrees West, Thirty Perches; and from thence by several other Courses and Distances, therein further set forth.

AND whereas it hath been since found by the Inhabitants and Owners of the Grounds through which the said Road passes, that Part of the same is inconvenient, and a more convenient Road has been for many Years in Use, which, if established by Law, will be of public Advantage; BE IT THEREFORE ENACTED by the Honourable RICHARD PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That so much of the said Road, so as afore said laid out by Order of the Governor and Council, as extends from the North Side of *Vine-street*, to the End of the Fifth Course from the said Street, shall be, and the same is hereby declared to be, made void; and that instead thereof the Road shall be of the following Courses and Distances, *to wit*, beginning at the End of *Front-street*, on the North Side of *Vine-street*; from thence extending North Seventeen Degrees East, Two Hundred and Fifteen Perches, to a Stake set in the Middle of the Road, Two and an Half Perches Northerly of the Line of the North Wall of *Jacob Weaver's* House; thence North Twenty-seven Degrees West, Fifty-one Perches and Six Tenths of a Perch, to a Stake set in the Middle of the old Road, in the Line of the South Wall of the House of *Thomas Preston*; which shall be for ever hereafter a public Road and Highway, of the Width of Sixty Feet, and maintained and supported as other public Roads and Highways are by Law directed to be maintained and supported.

Passed February 26, 1773.

C A P. XIII.

An A C T for making perpetual an Act, intituled, *An Act directing the Choice of Inspectors; and for holding the General Elections in this Province.*

WHEREAS the Act of General Assembly, passed in the Sixth Year of His present Majesty's Reign, intituled, *An Act directing the Choice of Inspectors, and for holding the General Elections in this Province*, has been found, by Experience, very useful in preserving good Order at the General Elections, and securing the Rights and Privileges of the several Counties of this Province, and the City of *Philadelphia*, in the Election of Members to serve in Assembly, and is near expiring; BE IT THEREFORE ENACTED by the Honourable RICHARD PENN, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and JOHN PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the said Act, intituled, *An Act directing the Choice of Inspectors, and for holding the General Elections in this Province*, and every Clause, Article, Matter and Thing therein contained, except the Clause limiting the Continuance of the said Act, shall be, and is hereby declared to be in full Force, and is hereby made perpetual, any Thing in the said Act to the contrary notwithstanding.

Passed February 26, 1773.

C A P. XIV.

An A C T to prevent counterfeiting the Paper Money of other Colonies.

Preamble.

WHEREAS the Want of a sufficient Quantity of circulating Specie, to answer the Purposes of Commerce, or the Exigencies of Government, hath induced this and most others of the *British* Colonies in *America* to circulate certain Paper Bills of Credit, as the Representative of Specie, to pass in Payments for limited Periods, when their Redemption is provided for, the counterfeiting of which is usually made Felony, without Benefit of Clergy, in the respective Governments where they are emitted; and it being judged reasonable, that neighbouring Countries, having Intercourse in Trade, should provide, as far as in them lies, against the debasing of their Medium of Commerce; **B E I T T H E R E F O R E E N A C T E D** by the Honourable JOHN PENN, Esq; Governor and Commander in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Person or Persons shall, within this Province, prepare, engrave, stamp or print, or cause or procure to be prepared, engraved, stamped or printed, the counterfeit Resemblance of any Paper Money which now is, or hereafter may be, circulated in Payments, by legislative Authority in any *British* Colony or Plantation in *America*, or shall counterfeit or sign the Name or Names of the Signers of any true Bills of such Paper Money to such counterfeit Paper, with Intention that such counterfeit Paper shall be passed in Payments, whether the same be so passed or not; or if any Person or Persons shall, in this Province, pay, or tender in Payment, any such counterfeit Money, knowing the same to be forged or counterfeited, every such Person, being lawfully convicted, shall be adjudged a Felon, and shall suffer Death, without Benefit of Clergy. And if any Person or Persons shall counterfeit any of the said Bills of Credit, by altering the Denomination thereof, with Design to increase the Value of such Bills, or shall utter such Bills, knowing them to be so counterfeited or altered as aforesaid, and shall thereof be legally convicted in any Court of Record in this Province, such Person or Persons shall be sentenced to the Pillory, and have both his or her Ears cut off, and nailed to the Pillory, and be publicly whipped on his or her bare Back, with Thirty-nine Lashes, well laid on; and moreover, every such Offender shall forfeit the Sum of *One Hundred Pounds*, lawful Money of *Pennsylvania*, to be levied on his or her Lands and Tenements, Goods and Chattels, the one Half to the Use of the Governor, and the other Half to the Discoverer; and the Offender shall pay to the Party grieved, double the Value of the Damages thereby sustained, together with the Cost and Charges of Prosecution; and in case the Offender hath not sufficient to satisfy the Discoverer for his or her Damages and Charges, and pay the Forfeiture aforesaid, in such Case, the Offender shall, by Order of the Court where he or she shall be convicted, be sold for any Term not exceeding Seven Years, for Satisfaction.

Counterfeiters, &c. of the Paper Money of any *British* Colony, to suffer Death.

Persons altering such Bills, how punished, &c.

Limitation of this Act.

II. *AND be it further enacted by the Authority aforesaid*, That this Act shall continue and be in Force, from and after the Passing thereof, for and during the Term of Five Years, and no longer.

Passed September 28, 1773.

C A P. XV.

An A C T for the Relief of *Samuel Sweet*, a languishing Prisoner in the Goal of *Philadelphia*, and *Thomas Bamford*, a languishing Prisoner in the Goal of *LANCASTER* County, with respect to the Imprisonment of their Persons.

Passed September 28, 1773.—Private Act.

C A P. XVI.

An A C T for the Support of the Government of this Province, and Payment of the public Debts.

Passed September 28, 1773.

C A P.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1773, in the Thirteenth Year of the Reign of our Sovereign Lord GEORGE III. and continued by Adjournments to the Twenty-ninth Day of *September* following.

C A P. I.

An ACT for regulating the Buildings, keeping in Repair the Streets, Lanes, Alleys and Highways, in the Borough of *Lancaster*, and for other Purposes therein mentioned.

WHEREAS the Inhabitants of the Borough of *Lancaster* have represented, by their Petition to the Assembly, that the Owners of the Lands within the Limits of the said Borough have laid out many Streets, Lanes and Alleys, for the Accommodation of its Inhabitants, but that many Persons have encroached upon and committed Nuisances therein; that Irregularities and Controversies frequently happen in relation to Party Walls, and laying the Foundations of Buildings, within the said Borough; that there is a Variety of other Nuisances and Annoyances in the said Borough, to the great Inconvenience and Detriment of its Inhabitants. And whereas the great Improvements and Buildings made, and continuing to be made, in the said Borough, with the Increase of its Inhabitants, and the Trade carried on therein, have rendered the same a principal Place of Commerce in this Province, and it is necessary, as well for the Benefit of its Inhabitants, as the Advantage of all who trade and resort there, that the Streets, Lanes, Alleys and Roads, in the said Borough should be kept open, clean, and free from Encroachments, and that the Streets and Buildings should be regular, and all Nuisances prevented; BE IT ENACTED by the Honourable JOHN PENN, Esq; Governor and Commander in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That where any Buildings have been heretofore erected in the said Borough, and shall happen to encroach upon any of the said Streets, Lanes and Alleys, such Buildings shall not be deemed, held or taken, for Nuisances, or abateable as such: But to prevent a Continuance of such Encroachments, after such Buildings shall be decayed, or require rebuilding, *Be it further enacted by the Authority aforesaid*, That the Owners of such Buildings shall not at any Time rebuild on the Street, Lane or Alley, so encroached on; and in case any Person or Persons shall rebuild on any of the said Streets, Lanes or Alleys, so encroached on, the same shall be deemed, taken and adjudged, a public Nuisance, and shall be abateable and punishable as such, and the Person or Persons, so rebuilding, shall forfeit and pay the Sum of *Twenty Pounds* to the Supervisors of the said Streets, Lanes and Alleys, to be applied towards repairing the same, being thereof first legally convicted in any County Court of Quarter Sessions for the County of *Lancaster*. *Provided always*, That nothing herein contained shall deprive or abridge the Burgesses, High Constable, Assistants, Freeholders and Inhabitants, of the said Borough of *Lancaster*, of any Powers, Privileges, Jurisdictions or Franchises, granted them by Charter, or the Laws of this Province.

II. AND, to the Intent that the said Streets, Lanes and Alleys, and such others as shall be hereafter laid out, may be duly regulated, made, and kept in good

Preamble.

Buildings heretofore erected, that encroach, &c. not to be deemed Nuisances.

Owners not to rebuild on the Streets, &c. so encroached on, &c.

No Foundation of any Party Wall, &c. to be laid by any Person, before applying to the Regulators, who are to be appointed by the Burgeſſes, &c.

good Order, *Be it enacted by the Authority aforeſaid*, That no Perſon or Perſons whatſoever ſhall, from and after the Publication of this Act, lay the Foundation of any Party Wall, or Front of any Building, adjoining the Streets, Lanes and Alleys, within the ſaid Borough, before they have applied to the Surveyors or Regulators, to be appointed by the Burgeſſes and Aſſiſtants of the ſaid Borough, who are hereby impowered, as often as there ſhall be Occaſion, to appoint three diſcreet Perſons to be Surveyors or Regulators of the ſaid Streets, Lanes and Alleys, ſo far as the ſame are already laid out and built upon, and of ſuch Streets, Lanes and Alleys, as ſhall hereafter from Time to Time be laid out and opened, by the Owners of the Grounds within the ſaid Borough reſpectively; which ſaid Perſons, ſo to be appointed, ſhall direct the Regulation of the ſaid Streets, Lanes and Alleys, and of the Foot-way on the Sides of the Streets, and fronting the Houſes and Lots in the ſaid Borough, with the Width or Breadth of ſuch Foot-way; and, upon Application made to them, ſhall regulate and lay out the proper Gutters, Channels and Conduits, for the carrying off the Water; and ſhall and may enter upon the Lands of any Perſon or Perſons, in order to ſet out the Foundations, and to regulate the Walls to be built between Party and Party, as to the Breadth and Thickneſs thereof; which Foundations ſhall be equally laid upon the Lands of the Perſons between whom ſuch Party Wall is to be made; and the firſt Builder ſhall be reimbursed one Moiety of the Charge of ſuch Party Wall, or for ſo much thereof as the next Builder ſhall have Occaſion to make Uſe of, before ſuch next Builder ſhall any Ways uſe or break into the ſaid Wall, and the Charge or Value thereof ſhall be ſet by the ſaid Regulators, or any two of them.

Penalty on laying the Foundation of a Party Wall, before viewed by the Regulators, &c.

III. *AND be it further enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall begin or lay the Foundation of any Party Wall or Building, before the Place be viewed and directed by the ſaid Regulators, or any two of them, or otherwiſe than as the ſame ſhall be ſet out and directed by the ſaid Regulators, every ſuch Perſon or Perſons, as well Employers as Maſter-builders, ſhall forfeit and pay the Sum of *Five Pounds*, to the Burgeſſes of the ſaid Borough for the Time being, or one of them, for the public Uſe and Benefit thereof, being of the ſaid Offence firſt convicted in the County Court of Quarter ſeſſions of the County of *Lancaster*.

Perſons, finding themſelves aggrieved, may appeal, &c.

IV. *PROVIDED always, and be it further enacted*, That if either Party, between whom ſuch Foundation ſhall be laid out, ſhall find themſelves aggrieved by the Order or Direction of the ſaid Regulators, he, ſhe or they, may appeal to the Juſtices at the next Court of Quarter ſeſſions, to be held for the ſaid County, who ſhall finally adjust and ſettle the ſame, and the Coſts of ſuch Appeal ſhall be paid as the ſame Court ſhall direct.

Regulators Reward.

V. *AND be it further enacted*, That the ſaid Regulators or Surveyors attending the ſaid Service, for their Trouble, ſhall be paid, by the Party or Parties concerned in ſuch Foundation, or erecting ſuch Party Wall, the Sum of *Five Shillings* each.

Who have Power to regulate Partition Fences, &c.

VI. *AND be it further enacted by the Authority aforeſaid*, That the ſaid Surveyors or Regulators, or any two of them, ſhall have full Power to regulate Partition Fences within the ſaid Borough; and where the adjoining Parties do improve or incloſe their Lots, ſuch Fences ſhall be made in the Manner generally uſed, and kept in Repair at the equal Coſts of the Parties, ſo that the Price for making exceed not *Fifty Shillings* for every Hundred Feet, unleſs the Owners or Poſſeſſors, between whom ſuch Fence is or ſhall be erected, do agree otherwiſe; and if either Party, between whom ſuch Partition Fence is or ſhall be made, ſhall neglect or reſuſe to pay his Part or Moiety for the repairing or ſetting up of ſuch Partition Fence as aforeſaid, that then the Party, at whoſe Coſt the ſame was ſo repaired or ſet up, may, if above *Five Pounds*, have his Action at Law for the ſaid Moiety of ſuch Coſts, and if *Five Pounds*, or under, the ſame ſhall be determined before either of the Burgeſſes of the ſaid Borough, or any Juſtice of the Peace of the ſaid County, as in Caſes of Debts not exceeding *Five Pounds*.

VII. *AND be it further enacted by the Authority aforeſaid*, That the Freeholders and others within the ſaid Borough, qualified by Charter to elect Burgeſſes

gessees and Assistants, shall meet together on the third *Saturday* in the Month of *March*, yearly and every Year, at the Court-House in the said Borough, and then and there, by Tickets in Writing, between the Hours of Ten in the Morning and Four in the Afternoon, choose two discreet and reputable Freeholders in the said Borough to be the Supervisors of the Highways, and two to be Assessors; which said Supervisors and Assessors, when chosen, and returned in Writing, under the Hand of one of the Burgessees of the said Borough, into the Office of the Clerk of the County Court of Quarter Sessions for the said County, shall be the Assessors of the said Borough, and the Supervisors of the Streets, Lanes, Alleys, Roads and Highways thereof, for the ensuing Year; and if any Supervisor or Assessor so elected, or otherwise appointed by Virtue of this Act, shall refuse to take upon himself the said Office, he shall, for every such Offence, forfeit and pay any Sum, not exceeding *Ten Pounds*, to be applied towards maintaining, amending, cleansing and repairing the said Streets, Lanes, Alleys and Highways.

Freeholders to meet, and choose Supervisors and Assessors.

Penalty on their refusing to serve.

VIII. *AND be it further enacted by the Authority aforesaid*, That the said Supervisors of the Highways shall, at least Five Days before the third *Saturday* in *March*, yearly and every Year, give public Notice in Writing, by affixing the same at the Court-House in the said Borough, that the Inhabitants and Freeholders thereof are to meet on that Day, to elect Assessors and Supervisors for the said Borough, according to the Directions of this Act.

Notice to be given of the Election of Assessors and Supervisors.

IX. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful for the said Supervisors, together with the Assessors aforesaid for the Time being, to lay a Rate or Rates in any one Year, not exceeding *One Shilling* in the *Pound*, on the clear yearly Value of the Real and Personal Estates of all and every the Freeholders and Inhabitants within the said Borough, to be employed for the amending, repairing and keeping clean, and in good Order, the Streets, Lanes, Alleys and Highways aforesaid, agreeable to the true Intent and Meaning of this Act. *Provided nevertheless*, That the said Rate or Assessment shall be laid according to the best of their Skill and Judgment, and as near as may be to the County Assessment for other Purposes, laid in Pursuance of an Act, intituled, *An Act for raising County Rates and Levies*, having due Regard to every Man's Estate within the said Borough, without Favour or Affection to any Person whomsoever. And the said Supervisors and Assessors, and each of them, shall, before they take on themselves the Duties enjoined and required by this Act, take an Oath or Affirmation respectively, to the Effect following, that is to say, *That they will well and truly cause the Rates and Sums of Money, by this Act imposed, to be duly and equally assessed and laid, to the best of their Skill and Knowledge, and therein shall spare no Person for Favour or Affection, nor grieve any for Hatred or Ill-will; and that they and each of them, the said Assessors and Supervisors, will diligently attend, and faithfully execute, their said Offices respectively, during the Time of their Continuance therein, according to the best of their Abilities and Judgment.* Which Oath or Affirmation the Burgessees of the said Borough, or any one of them, or any Justice of the Peace of the said County of *Lancaster*, are hereby impowered and required to administer, and to certify the same to the Clerk of the Sessions of the Peace of the said County, to be by him filed among the Records and Papers of his Office.

Supervisors and Assessors to lay a Tax.

Qualification to be taken by them.

By whom to be administered.

X. *AND be it further enacted by the Authority aforesaid*, That if any of the said Supervisors or Assessors, so as aforesaid chosen, shall refuse or neglect to take upon him or themselves the said Office respectively, or shall die, or remove out of the said Borough, or if the Freeholders and Inhabitants of the Borough aforesaid shall neglect or refuse to elect or choose Supervisors or Assessors, as is herein before directed and appointed, then, and in every such Case, it shall and may be lawful to and for the Burgessees and Assistants of the said Borough, with one or more of the Justices of the Peace of the said County, and they are hereby enjoined and required, to appoint another Supervisor or Supervisors, Assessor or Assessors, in the Room and Stead of every such Supervisor or Supervisors, Assessor or Assessors, so refusing, dying, or removing as aforesaid; which said Supervisor or Supervisors, Assessor or Assessors, so appointed, shall have the same Powers and Authorities, and shall be liable to the same Penalties, as the Supervisors or Assessors so chosen by the Inhabitants of the said Borough, in Pursuance of the

Supervisors or Assessors dying, retreating, or neglecting to serve, others to be appointed by the Burgessees, &c.

Supervisors
and Assessors
Reward,

Direction of this Act; and that the Supervisors and Assessors shall have and receive for their Trouble, in rating and assessing the said Rate, *Three-pence* in every *Pound*; and the said Supervisors shall have and receive *Six-pence* in the *Pound* for collecting the same, and *Four Shillings* each for every Day they shall attend in overseeing, employing and attending the Workmen upon the public Streets, Lanes, Alleys and Highways, within the said Borough.

The Tax,
before col-
lected, to be
allowed of
by the Bur-
gesses, &c.

XI. *AND be it further enacted by the Authority aforesaid*, That the said Supervisors, before they proceed to the collecting of the said Rate, shall procure the same to be allowed by the Burgesses of the said Borough, or one of them, and one or more of the Justices of the Peace of the said County of *Lancaster*; and if any Person or Persons, so rated and assessed, shall refuse to pay the Sum or Sums on him or them charged, and shall not enter his or their Appeal at the next General Court of Quarter Sessions, that it shall and may be lawful to and for the said Supervisor or Supervisors (having first obtained a Warrant, under the Hand and Seal of one of the said Burgesses, or one of the Justices of the Peace aforesaid, who are hereby impowered and required to grant such Warrant) to levy the same on the Goods and Chattels of the Person or Persons so refusing; and in case such Person shall not, within three Days next after such Distress made, pay the Sum or Sums on him or her assessed, together with the Charges of such Distress, that then the said Supervisors or Supervisor may proceed to the Sale of the Goods distrained, rendering to the Owner the Overplus, if any shall remain on such Sale, reasonable Charges being first deducted. *Provided nevertheless*, That if any Person or Persons shall find him, her or themselves, aggrieved with such Rate or Assessment, it shall be lawful for the Justices of the Peace, at their next General Quarter Sessions, upon the Petition of the Party, to take such Order therein, as to them shall appear just, and the same shall conclude and bind all Parties; and the Supervisors, in case of such Appeal, shall forbear making Distress until the same be determined in the Quarter Sessions, in the Manner herein directed and appointed.

Goods of
Tenants, &c.
liable to be
distrained for
the Tax.

XII. *AND be it further enacted by the Authority aforesaid*, That the Tenant or Tenants, or other Persons residing on, or having the Care of Lands of Persons not residing in the said Borough, his, her or their Goods and Chattels shall be liable to be distrained, in Manner aforesaid, for the Payment of the said Tax.

Tenants may
deduct the
Tax out of
their Rent,
&c.

XIII. *AND be it further enacted by the Authority aforesaid*, That where any Tenant shall, before the Passing of this Act, have taken on a Lease, for one or more Years, any Lands or Tenements, and shall pay the said Rate hereby imposed on the said Lands or Tenements so leased, or shall have his or her Goods and Chattels distrained for the same, in such Case it shall and may be lawful for the said Tenant or Tenants, or other Persons aforesaid, to deduct the Tax so paid out of the Rent due, or to become due, or for the Tenant or Tenants, or other Persons aforesaid, to recover the same from the Owner or Owners by Action of Debt, together with Costs of Suit. *Provided always*, That nothing herein contained shall make void or alter any Contract heretofore made between any Landlord and Tenant, respecting the Payment of the Road Tax, or any Usage or Custom, in respect to the Tenants paying the said Tax, now subsisting between Landlord and Tenant.

Supervisors
to repair the
streets, &c.

XIV. *AND be it further enacted by the Authority aforesaid*, That the said Supervisors shall, and they are hereby required and enjoined, as often as the said several Streets, Lanes, Alleys and Highways, shall be out of Repair, or want cleansing, to hire and employ a sufficient Number of Labourers, and the necessary Carts or Waggons, to work upon, open, amend, repair and clean the same, and to carry off and remove any Filth, Mud or Dirt, which shall be therein, in the most effectual Manner, and shall purchase all Materials necessary for that Purpose, and oversee the said Labourers, and take Care that the said Streets, Lanes, Alleys and Highways, be effectually opened, amended, repaired and cleaned, according to the Regulations so made by the said Regulators, according to the true Intent and Meaning of this Act.

XV. *AND*, in order to enable the said Supervisors the more effectually to discharge their Duty, *Be it enacted by the Authority aforesaid*, That it shall and may

may be lawful for the Supervisors aforesaid, or any other Person or Persons by his or their Order and Direction, to enter upon any Lots or Lands adjoining to, or lying near, the said Streets, Lanes, Alleys and Highways, and to cut or open such Drains or Ditches through the same, as he or they shall judge necessary compleatly to carry off and drain the Water from such Streets, Lanes, Alleys and Highways; provided the same be done with as little Injury and Damage as may be to the Owner of such Lot or Land; which Drains and Ditches, so cut and opened, shall be kept open by the said Supervisors, if necessary for amending and keeping clean, and in good Order, the said Streets, Lanes, Alleys or Highways, or any or either of them, and shall not be stopped or filled up by the Owner or Owners of such Lot or Land, or any other Person or Persons whatsoever, under the Penalty of *Five Pounds* for every such Offence, to be paid and applied for and towards keeping in good Order and Repair the said Streets, Lanes, Alleys and Highways.

And to enter upon Lands adjoining, to cut Drains or Ditches, for carrying off the Water, &c.

XVI. *AND be it further enacted by the Authority aforesaid*, That all and every Supervisor or Supervisors aforesaid, who shall refuse or neglect to do and perform his or their Duty, as directed by this Act (not otherwise particularly provided for) shall be fined and pay the Sum of *Three Pounds* for every such Offence, to be recovered in a summary Way before either of the Burgeesses of the said Borough, or any Justice of the Peace of the County, residing in the said Borough, and to be applied towards repairing and keeping clean, and in good Order, the said Streets, Lanes, Alleys and Highways. *Provided always*, That if any such Supervisor or Supervisors shall conceive him or themselves aggrieved by the Judgment of such Burgeess or Justice, he may appeal to the next County Court of Quarter Sessions, who shall, on the Petition of the Party, take such Order therein, as to them shall appear just and reasonable, and the same shall be conclusive to all Parties.

Penalty on Supervisors Neglect of Duty.

XVII. *AND be it further enacted by the Authority aforesaid*, That the Person or Persons who shall have served the Office of Supervisor or Supervisors the preceding Year shall, on the Twenty-fifth Day of *March* yearly, or within six Days after, make up and produce to the said Burgeesses and Assistants, fair and just Accounts of all such Sums of Money by him or them expended on the said Streets, Lanes, Alleys and Highways, and of all Sums of Money by him or them received by Virtue of any Assessments, and of all Fines and Penalties which have come to their Hands; which Accounts shall be entered in a Book to be provided for that Purpose, and shall be attested on Oath or Affirmation by such Supervisor or Supervisors, if required by any three or more of the Freeholders or Inhabitants of the said Borough. And the said Burgeesses and Assistants, or any four of them, of which four a Burgeess shall be one, shall have full Power to adjust and settle the said Accounts, and to allow of such Charges and Sums only as they shall think just and reasonable; and if there shall appear to be any Money remaining in the Hands of the said Supervisor or Supervisors, they shall, by Order in Writing, signed by them, direct the same to be paid to the succeeding Supervisor or Supervisors; but in case the said Supervisor or Supervisors shall be found in Advance for Monies expended, and shall have carefully collected the Sums of Money assessed and imposed by Virtue of this Act, then the said Burgeesses and Assistants shall, in like Manner, order the succeeding Supervisors to repay and reimburse the same, as soon as a sufficient Sum of Money shall come to their Hands; and if such Supervisor or Supervisors shall neglect or refuse to make up and produce fair and just Accounts as aforesaid, or, having made up and produced such Accounts, shall neglect or refuse forthwith to pay the Monies, which he or they shall be ordered as aforesaid to pay, or shall not deliver up the Book wherein such Accounts shall be entered to their Successors, it shall and may be lawful for either of the Burgeesses of the said Borough, or any Justice of the Peace, on Complaint to him made by any two of the said Assistants, to commit such Delinquent or Delinquents to the County Goal until the same shall be done. *Provided always*, That if any Supervisor shall think himself aggrieved by the Settlement of his Accounts as aforesaid, he may (having first paid over to his Successor or Successors the Balance found in his Hands) appeal to the next Court of Quarter Sessions, who shall, on the Petition of the Party, take such Order therein,

Supervisors to produce fair and just Accounts to the Burgeesses, &c.

who are to adjust and settle the same, &c.

therein, and give such Relief, as to them shall seem just and reasonable, and the same shall conclude and bind all Parties.

Borough of
Lancaster de-
clared to be
one distinct
District, &c.

XVIII. *AND be it enacted by the Authority aforesaid*, That the said Borough of *Lancaster*, according to the Extent, Bounds and Limits thereof by Charter, shall henceforth be deemed and taken, and is hereby declared to be, one distinct District in the said County of *Lancaster*; and that two Overseers of the Poor shall be appointed, one Assessor, who shall have the same Power as the Assessor of any of the Townships have, and one Inspector, to serve at the General Election in and for the said County of *Lancaster*, shall be elected in and for the said Borough, in the same Manner as they are by Law directed to be appointed and chosen in and for the several Townships within this Province; which said Overseers so nominated, and Assessors and Inspectors so elected, shall have, use and exercise, all and every the Powers, Rights and Privileges, and be subject to the same Penalties and Forfeitures, within the said Borough respectively, which are lawfully used, had and exercised, and which are to be suffered by, or imposed on, the several Overseers, Assessors and Inspectors of the several Townships aforesaid, to all Intents and Purposes, as if they were respectively nominated and chosen Overseers of the Poor, Assessors and Inspectors, of any of the Townships aforesaid, in Pursuance of the Laws of this Province in such Cases made and provided.

Magistrates
impowered
to act in all
Matters ap-
pertaining to
their Office,
&c.

XIX. *AND* whereas Doubts have arisen, whether, according to the Laws now in Force, His Majesty's Justices of the Peace, residing within the said Borough, and who are chargeable with or rated to the Taxes, Levies or Rates, within the same, may lawfully act in any Case relating to the said Borough; *Be it therefore enacted by the Authority aforesaid*, That it shall and may be lawful to and for the Magistrates of the said Borough, and all and every the Justice or Justices of the Peace of the County of *Lancaster* aforesaid, residing or being in the same, to make, do and execute, all and every Act or Acts, Matter or Matters, Thing or Things, appertaining to their Office as Justice or Justices of the Peace, so far as the same relates to the Laws for the Relief, Maintenance and Settlement of poor Persons, for passing and punishing of Vagrants, for opening, amending and repairing, the Streets, Lanes, Alleys or Highways, or to any other Laws concerning Taxes, Levies or Rates, notwithstanding any such Magistrate or Magistrates, Justice or Justices, is or are rated or chargeable with the Taxes, Levies or Rates, within the same Borough.

Proviso, in
determining
Appeals to
the Quarter
Sessions.

XX. *PROVIDED* always, and be it further enacted by the Authority aforesaid, That this Act, or any Thing herein contained, shall not authorise or empower any Magistrate, Justice or Justices of the Peace, for or within the said Borough, or who are any ways chargeable with the Taxes, Rates or Levies, within the said Borough, to act in the Determination of any Appeal to the Quarter Sessions of the Peace for the said County of *Lancaster*, from any Order, Matter or Thing, relating to the same Borough, any Thing herein contained to the contrary in any wise notwithstanding.

Penalty on
Persons cast-
ing Dirt,
Earth, &c.
from their
Improvements,
into any public
Street, and
not removing
the same, &c.

XXI. *AND* whereas it hath frequently happened that Persons, in digging Cellars, and building Houses, have thrown the Clay and Dirt from their Cellars, and the Rubbish from their Buildings, into the Streets, Lanes, Alleys, and Highways, of the said Borough, and by suffering the same to remain there have rendered the said Streets, Lanes and Alleys impassable. *Be it therefore enacted by the Authority aforesaid*, That if any Person or Persons, in digging or making of Cellars, Foundations and Buildings, Vaults, Wells, Sinks, Drains, or other Works or Improvements, shall, after the Publication of this Act, cast or throw any Dirt, Earth, Clay, Stone or other Matter, into any public Street, Lane, Alley or Highway, within the said Borough, and shall keep or suffer such Dirt, Earth, Clay, Stone or other Matter, to remain upon such Street, Lane or Alley, or Highway, so as unnecessarily to incommode or annoy the Inhabitants of the said Borough, and shall not remove the same upon Notice given to him, her or them for that Purpose, by or by Order of the Burgesses of the said Borough, or either of them, or by the Regulators aforesaid, or any two of them, every such Person and Persons so offending, and being thereof convicted before either of the Burgesses of the said Borough, or any Justice of the Peace of

of the County aforesaid, shall forfeit, for every such Offence, the Sum of *Thirty Shillings*, and shall pay the Costs of removing the same.

XXII. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons whatsoever shall cast or lay, or cause to be cast or laid, any Shavings, Mud, Ashes, Dung, or other Filth or Annoyance, on any Pavement, Street, Lane or Alley, within the said Borough, and shall not remove the same on Notice given to him, her or them, by the Burgeses of the said Borough, or either of them, or by the Regulators aforesaid, or any two of them, every such Person and Persons so offending, and being thereof convicted before either of the Burgeses of the said Borough, or before any Justice of the Peace of the County aforesaid, shall forfeit, for every such Offence, the Sum of *Twenty Shillings*, and pay the Costs of removing the same.

Penalty on Persons laying Shavings, Ashes, Dung, &c. on any Pavement, &c.

XXIII. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall, after the Publication of this Act, cast or throw out of any Cart, Waggon or other Carriage, any Rubbish, Dirt or Earth, in any public Street, Lane or Alley, of the said Borough, save only in such Parts and Places as shall be appointed and agreed on by the said Regulators, and the Supervisors aforesaid, or any three of them, every such Person and Persons so offending, and being thereof convicted before the Burgeses of the said Borough, or either of them, or before any Justice of the Peace of the said County, shall forfeit, for every such Offence, the Sum of *Ten Shillings*, and shall pay the Costs of removing the same.

Penalty on casting Rubbish in any public Street, &c.

XXIV. *AND be it further enacted by the Authority aforesaid*, That if any Distiller, Soap-Boiler or Tallow-Chandler, within the said Borough, shall discharge any foul or nauseous Liquor from any Still-house or Work-shop, so that such Liquor shall pass into or along any of the said Streets, Lanes or Alleys, or if any Soap-Boiler or Tallow-Chandler shall keep, collect or use, or cause to be kept, collected or used, in any of the built Parts of the said Borough, any stale, putrid or stinking Fat, Grease or other Matter, or if any Butcher shall keep at or near his Slaughter-house any Garbage or Filth whatsoever, so as to annoy any Neighbour, or any other Person whatsoever, he, she or they, so offending, and being thereof convicted before the Burgeses of the said Borough, or either of them, or before any Justice of the Peace of the said County, shall forfeit and pay, for every such Offence, the Sum of *Thirty Shillings*.

Distillers, &c. not to discharge nauseous Liquor, so as to run thro' the Streets, &c.

XXV. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall, after the Publication hereof, presume to cast, carry, draw out or lay, any dead Carcase, or any Excrement or Filth from Vaults, Privies or Necessary-houses, and shall leave such Carcase or Filth, without burying the same a sufficient Depth, in any uninclosed Grounds within the Limits of the said Borough, or on or near any of the Streets, Lanes, Alleys or Highways aforesaid, every Person or Persons so offending, and being thereof convicted before either of the Burgeses of the said Borough, or before any Justice of the Peace of the said County, shall forfeit, for every such Offence, the Sum of *Thirty Shillings*, and shall pay the Costs of removing and burying such Carcase, Excrement or Filth, in such Place and Manner as the Burgeses of the said Borough, or either of them, or the said Regulators or Supervisors, or any two of them, shall direct or appoint.

Penalty on Persons leaving Carrion, &c. in any uninclosed Grounds, &c.

XXVI. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons whatsoever shall wilfully stop up or obstruct the Passage of the Waters of any of the Common Sewers, lately made and being in *King-street*, *Queen-street* or *Water-street*, in the said Borough, or of any of the Common Sewers hereafter to be made within the said Borough, he or they so offending shall forfeit, for every such Offence, any Sum not exceeding *Twenty Pounds*, and shall pay the Costs of removing such Obstruction.

Penalty on Persons obstructing the Common Sewers.

XXVII. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall make any Pavement or Foot-way before their Houses or Lots in the said Borough, of a greater Width or Breadth, or Height, than allowed or directed by the Surveyors or Regulators, to be appointed by Virtue of this Act, or contrary to the Directions of the said Regulators, or any two of them, or shall set up Posts in the Streets, Lanes or Alleys aforesaid, or any of them,

Penalty on making any Pavement or Foot way, &c. contrary to the Directions of the Regulators, &c.

otherwise than as allowed and directed by the said Regulators, or any two of them, and shall refuse or neglect to take up, remove, or place the same in such Manner as the said Regulators shall direct and order, after two Days Notice to him, her or them, for that Purpose given, by Order of the Burgeses of the said Borough, or either of them, or by Order of the said Regulators, or any two of them, every such Person so offending, and being thereof convicted before either of the Burgeses of the said Borough, or before any Justice of the Peace of the County aforesaid, shall forfeit and pay the Sum of *Thirty Shillings* for every such Offence. And the said Regulators, or any two of them, shall and may take up, regulate, pull down, remove and replace such Pavement and Posts, in such Manner as they shall think proper, and the Costs of taking up, regulating, pulling down, removing and replacing such Pavements and Posts shall be paid by the Party or Parties so offending in the Premises.

Regulation relating to Encroachments by Cellar-doors, &c.

XXVIII. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall hereafter make and set up, or shall cause to be made and set up, in any Street of Fifty Feet wide, or upwards, within the said Borough, any Porch, Cellar-door or Step, which shall extend beyond the Distance of Four Feet and Three Inches into such Street, or a proportionate Distance into any narrower Street; and if any Person or Persons shall hereafter make and set up, or cause to be made and set up, any Bulk, Jut-window or Incumbrance whatsoever, whereby the Passage of any Street, Lane or Alley shall be obstructed, or shall place, or cause to be placed, any Spout or Gutter, whereby the Passage of any Street, Lane or Alley shall be incommoded, every Person so offending, and being thereof convicted before the Burgeses of the said Borough, or either of them, or before any Justice of the Peace of the County aforesaid, shall, for every such Offence, forfeit and pay the Sum of *Thirty Shillings*, and shall forthwith remove the said Nuisance, or cause the same to be removed; and on Failure thereof by the Space of three Days, next after Notice to him or them for that Purpose given, by Order of the Burgeses of the said Borough, or by the said Regulators, or any two of them, then, and in that Case, the Regulators aforesaid, or any of them, shall and may remove the same, or cause the same to be removed; and the Costs and Expences attending such Removal shall be paid by the Party or Parties so offending.

Owners of Porches, &c. exceeding the above Limitation, to be assessed, till reduced or taken away.

XXIX. *AND be it further enacted by the Authority aforesaid*, That the Owner or Owners of every House within the said Borough having, at the Publication hereof, any Porch, Cellar-door or Step, extending into any Street beyond the Limits aforesaid, or having fixed or fastened to such House any Bulk, Jut-window, or other Incumbrance whatsoever, shall, yearly and every Year, pay to the Supervisors of the said Streets, Lanes, Alleys and Highways, to be applied towards repairing and amending the same, such Sum or Sums of Money, as the said Burgeses and Assistants shall assess, until such Porch, Cellar-door or Step, to him, her or them respectively belonging, shall be reduced to the Limits aforesaid, or such Bulk, Jut-window, or other Incumbrance, shall be removed and taken away; and every Owner or Owners of any House or Houses, whereunto any Spouts or Gutters shall, at the Time of the Publication hereof, be so fixed or placed, that the Waters thereby discharged may incommode Persons passing in the said Streets, Lanes or Alleys, shall, and they are hereby enjoined and required, forthwith to remove, or effectually to alter and amend the same.

Penalty on damaging Lamps, &c.

XXX. *AND* whereas divers Inhabitants of the said Borough have lately, at their private Expence, erected, and do support Lamps in the public Streets of the said Borough, which are found very beneficial to the Inhabitants and others, who have Occasion to pass and repass in and through the same, *Be it enacted by the Authority aforesaid*, That if any Person or Persons shall, from and after the Publication of this Act, wilfully or maliciously break, throw down or extinguish any Lamp, that is or shall be set up to light the Streets, Lanes or Alleys, of the said Borough, or shall wilfully or maliciously damage the Posts, Iron, or other Furniture thereof, every Person so offending (the Owners of such Lamps, and Persons employed by them, only excepted) being thereof convicted in any Court of Quarter Sessions in and for the County aforesaid, shall forfeit and pay the Sum of *Ten Pounds* for each Lamp so broken, thrown down or extinguished, and

and for each Post, Iron, or other Furniture so damaged; and if any Person or Persons shall accidentally or undesignedly break, throw down or extinguish any of the Lamps aforesaid, or damage any of the said Posts, Iron or Furniture, and, having so done, shall fail of giving Notice thereof to one of the Burgeses or Assistants of the said Borough, within Twelve Hours from the Time of the said Damage being done, every Person so failing to give Notice as aforesaid, being thereof legally convicted as aforesaid, shall forfeit and pay any Sum, not exceeding *Forty Shillings*; which said Fine shall be paid into the Hands of the Regulators of the Streets, Lanes and Alleys, of the said Borough, or one of them, and shall be by him or them applied, so far as is necessary, in supplying and making good the Damage, and the Residue, if any, paid to the Supervisors of the said Streets, Lanes, Alleys and Highways, and applied towards amending and repairing the same; but if such Notice shall be given as aforesaid, the Person or Persons so giving the same shall only pay such Costs, as, in the Judgment of the Regulators aforesaid, will fully repair the Damage done.

XXXI. AND whereas, in digging of Wells in the said Borough, it is frequently found very difficult and expensive to procure Water, and, by Reason of such Difficulties and Expence, the said Borough is in most Parts but badly supplied, in case of Accidents by Fire, and some Attempts having lately been made, with Success, towards conducting the Water from certain Springs in the said Borough by Pipes into *King-street*, so that a constant Stream of Spring Water is now conveyed in and along *Water-street* (with the Consent and Direction of the Burgeses and Assistants of the said Borough) in such Manner as to discharge itself into *King-street*, and be of great Use to the Inhabitants, and it is purposed by the Burgeses, Assistants and Inhabitants, of the said Borough, to sink and fix Cisterns at the Place aforesaid, and in other Parts of the said Borough, for the Reception and Collection of Water in large Quantities for immediate Use, in Cases of Fire, and to attempt the Introduction of the Waters of other adjacent Springs into the more central Parts of the same; *Be it therefore enacted by the Authority aforesaid*, That if any Person or Persons, after the Publication of this Act, shall wilfully or maliciously remove, misplace or injure any of the Pipes or Trunks already fixed or placed, or that hereafter shall be fixed or placed, by Direction of the Burgeses and Assistants of the said Borough, for conveying the Waters of any Spring which they shall agree for, and have Liberty from the Owner or Proprietor of the same to convey into any Part of the said Borough, or if any Person or Persons shall wilfully and maliciously, and without the Consent and Direction of the Burgeses and Assistants aforesaid, by any Ways or Means whatsoever, obstruct or prevent the Course of such Waters in or through such Trunks, Pipes or Conduits, as are already placed, or shall or may be placed as aforesaid, or shall spoil or injure any Cistern, which shall or may be placed for the Reception of such Waters as aforesaid, every such Person so offending, and being thereof convicted before the Burgeses of the said Borough, or either of them, or before any Justice of the Peace of the County aforesaid, shall forfeit and pay the Sum of *Five Pounds* for every such Offence, and shall pay the Costs of repairing and putting such Trunks, Pipes, Conduits or Cisterns, in good Order and Repair.

Penalty on Persons removing or damaging the Pipes or Trunks for conveying Water, &c.

XXXII. AND whereas it hath been usual for the Merchants and Traders within the said Borough to keep large Quantities of Gunpowder in their Dwelling-houses and Shops, to the manifest Danger of the Inhabitants; *Be it therefore enacted by the Authority aforesaid*, That no Person or Persons whatsoever, within the Limits of the said Borough, shall, from and after the Publication of this Act, keep in any House, Shop, Cellar, Store or other Place, within the said Borough, any more or greater Quantity than Twenty-five Pounds Weight of Gunpowder, to be kept in the highest Story of the House, at any one Time, unless it be fifty Yards distant from any Dwelling-house, under the Penalty of *Ten Pounds*.

No Persons to keep more than 25 lb. of Gunpowder in their Houses, &c.

XXXIII. AND *be it further enacted by the Authority aforesaid*, That all the Penalties, Fines and Forfeitures, herein before imposed by this Act, the Manner of levying and recovering of which is not before directed, not exceeding the Sum of *Five Pounds*, shall be recovered before one of the Burgeses of the said Borough

Manner of recovering and applying the Fines.

Borough, or before one of the Justices of the Peace of and for the said County of *Lancaster*, and shall be levied by Warrant, under the Hand and Seal of such Burgefs or Justice, directed to any Constable of the said Borough or County, who is hereby impowered and required to execute the same, by Distress and Sale of the Goods and Chattels of the Offender; and where Goods and Chattels sufficient cannot be found, then the Party or Parties offending shall be committed to the common Goal of the said County, there to remain until Payment made, or until discharged by due Course of Law; and if such Penalties, Fines and Forfeitures, shall exceed the Sum of *Five Pounds*, then to be recovered by Action of Debt, Bill, Plaint or Information, in any County Court within this Province, wherein no Effoin, Protection or Wager of Law, nor more than one Imparlance, shall be allowed; and all Fines and Forfeitures arising by this Act, not herein before appropriated, shall be paid to the Supervisors of the Streets, Lanes, Alleys and Highways, to be applied in amending and repairing the same.

The Act relating to public Roads and Highways, not to extend to the Borough of *Lancaster*.

XXXIV. *AND be it enacted by the Authority aforesaid*, That nothing in a certain Act of Assembly, passed in the Twelfth Year of His Majesty's Reign, intituled, *An Act for opening, and better amending and keeping in Repair, the public Roads and Highways within this Province*, shall be deemed, construed or taken, to extend to the public Roads, Streets, Lanes or Alleys, within the said Borough, or to the assessing the Inhabitants thereof for the Purposes therein mentioned, or to any other Matter or Thing to be done or performed therein, but the said Act, so far as it relates to or respects the said Borough, and no further, is hereby declared to be repealed, to all Intents and Purposes.

Persons sued, &c. may plead the General Issue.

XXXV. *AND be it also enacted by the Authority aforesaid*, That if any Person or Persons be sued or prosecuted for any Thing done in Pursuance of this Act, he, she or they, may plead the General Issue, and give this Act, and the special Matter in Evidence for their Justification; and if the Plaintiff, or Prosecutor become Non-suit, or suffer a Discontinuance, or if a Verdict pass against him, the Defendant shall have treble Costs, to be recovered as in Cases where Costs by Law are given to Defendants.

Passed January 22, 1774.

C A P. II.

An ACT for preventing Tumults and riotous Assemblies, and for the more speedy and effectual punishing the Rioters.

Passed January 22, 1774.—Expired.

C A P. III.

An ACT to prevent infectious Diseases being brought into this Province.

Preamble.

WHEREAS the Laws heretofore made for preventing infectious Diseases being brought into this Province, have not effectually answered the good Intentions of the Legislature, BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esquire, Governor and Commander in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Trustees of the Province-Island for the Time being, or a Majority of them, shall forthwith, after the Publication of this Act, and as often afterwards as there shall be Occasion, nominate and appoint some discreet and careful Person to reside in, and be Keeper of the Hospital erected on the said Island, and from Time to Time to cleanse, purify, and keep the same clean and pure, and to receive and take into the said Hospital all such sick and unhealthy Persons, as shall, by Orders in Writing, under the Hand of the Officer herein after mentioned, be directed to be received and taken into the same, and to discharge all such Persons after they shall have recovered from their Diseases, having first received a like Order from the said Officer for that Purpose; and in case of the Death of any of them, to bury, or cause them to be buried, and to do and perform all other Acts, Matters and Things, enjoined him by this Act.

Trustees of the Province-Island to appoint a careful Person to be Keeper of the Hospital erected thereon, &c.

II. *AND*

II. *AND be it further enacted by the Authority aforesaid, That no Commander, Master, or other Person having Charge of any Ship or Vessel, bound to the Port of Philadelphia, or to any other Port or Place within this Province, having on board, at the Time the said Ship or Vessel departed from any Port or Place whatsoever beyond the Seas, any greater Number of Persons, whether Passengers or Servants, or both, than forty, or having any Persons disordered with any infectious Disease, or coming from any sickly Port or Place, shall bring his Ship or Vessel, or suffer or permit the same to be brought, nearer to the City of Philadelphia than the Island, called Little Mud-Island, near the Mouth of the River Schuylkill, nor shall land or bring on Shore, nor cause or suffer to be landed or brought on Shore, at any Port or Place within this Province, any of such Passengers or Servants, or any Part or Parcel of their Goods or Effects, or the Goods or Effects of any other Person or Persons whatsoever, until he shall have obtained a Licence or Permit in Writing for that Purpose, under the Hand of the Officer, or his Deputy, appointed by Virtue of the Act, intituled, A Supplement to the Act, intituled, An Act for imposing a Duty on Persons convicted of heinous Crimes, and to prevent poor and impotent Persons being imported into this Province, under the Penalty of Five Hundred Pounds, being thereof legally convicted in any Court of Quarter Sessions within this Province.*

Penalty on bringing Vessels, with Passengers or Servants on board, or coming from any sickly Place, nearer to Philadelphia than Little Mud-Island, without a Permit from the Officer, &c.

III. *AND be it further enacted by the Authority aforesaid, That the said Officer, upon Notice given to him by the said Commander, Master, or other Person having Charge of such Ship or Vessel, that such Ship or Vessel having had the Number of Persons, whether Passengers or Servants, or both, on board as aforesaid, or having any Person disordered with any infectious Disease, or coming from any sickly Port or Place, is arrived at or near the Province-Island, shall forthwith repair to the said Ship or Vessel, taking with him some able and skilful Physician or Physicians, to be appointed by the Governor of this Province for the Time being, and together shall well and diligently enquire, as well of the Person having Charge of the said Ship or Vessel, as of the Passengers on board, and by searching any or all Parts and Places of the said Vessel, whether any and what Persons on board during the Voyage have been, or shall then be, infected or disordered with any infectious Disease, how many Persons died in the Voyage, and of what Distempers, and what is the present State and Condition of the People on board, with respect to their Health and Diseases; and if any Commander, Master, or other Person having the Charge of such Ship or Vessel, shall have on board any Person distempered with any infectious Disease, and shall knowingly conceal the same, or shall not make a just and true Discovery, to the said Officer and Physician or Physicians, of the sickly and disordered State and Condition of all and every Person and Persons on board, from the Time the said Ship or Vessel departed from the Port beyond Seas, from whence she last sailed, to the Time of the said Enquiry, he shall forfeit the Sum of One Hundred Pounds for every such Offence.*

Officer, on Notice given, to repair on board, with a Physician, &c.

Penalty on Masters of Vessels concealing infectious Persons, &c.

IV. *AND in case it shall appear, upon such Enquiry and Examination, that any Person or Persons then on board shall be actually infected with any infectious and dangerous Distemper (the Small-pox and Measles excepted) the said Officer, or his Deputy, with the Advice of the said Physician or Physicians, shall forthwith order and direct the said Commander, Master, or other Person having the Charge of such Ship or Vessel, to land and put on Shore at and in the said Hospital all such infectious Persons, and all, or as many of the other Passengers and Servants as they shall think expedient, and immediately thereupon to cleanse and purify the said Ship or Vessel with Vinegar and Gunpowder, and cleanse and air all such Goods, Wares and Merchandize, as are liable to receive and retain Infection, in such Manner as they shall think necessary; and when the said Ship or Vessel, and the Goods, Wares and Merchandize aforesaid, shall have been so cleansed and purified, for the Space of Forty-eight Hours at least, the said Officer, with the Advice of the said Physician or Physicians, if they shall judge the said Ship or Vessel, and the Goods and Merchandize aforesaid, sufficiently cleansed and purified from Infection, and may safely proceed to her intended Port or Place of Discharge, and not otherwise, shall determine what Persons, so landed, are in a proper State of Health to be again taken on board, and what sickly and in-*

Officer to order infectious Persons to be landed at the Hospital;

and the Vessel, &c. to be cleansed.

The Vessel being cleaned, Officer, &c. to determine what Persons shall be again taken on board.

Penalty on taking others.

Penalty on Persons leaving the Hospital, without an Order from the Officer.

Expence of Nursing, &c. to be paid by the Importer.

Upon Application of the Keeper of the Hospital, Importer, &c. shall be obliged to give Bond;

and refusing, may be committed to Prison.

Penalty on Persons going on board such Vessel, without a special Licence.

Officer, &c. to visit such Vessel on her Arrival at the Port, and enquire into the Condition of the People on board, &c.

infectious Persons shall remain in the said Hospital, and shall make two fair Lists in Writing, one of them containing the Names of the Persons whom the said Officer, with the Advice of the Physician or Physicians, shall permit to be again received on board, and deliver the same to the said Commander, Master, or other Person having the Charge of the said Ship or Vessel, with a Permit or Licence, written under or upon the said List, for that Purpose; and the other of them containing the Names of all such infectious and sickly Persons, as shall be ordered and directed to remain in, and be detained by the Keeper of the said Hospital, with such Order and Directions in Writing to the said Keeper, by him the said Officer subscribed; and if the said Commander, Master, or other Person having the Charge of such Ship or Vessel, shall take on board any Person or Persons so landed, other than such as shall be mentioned in the said Permit or Licence, he shall forfeit and pay the Sum of *Twenty Pounds* for every such Person so taken on board, contrary to the Intent and Meaning of this Act; and if any such Person or Persons, so ordered to remain and be detained in the said Hospital, shall escape, or leave the same before he shall be discharged therefrom by an Order, under the Hand of the said Officer, it shall be lawful for the said Keeper, or any Constable or other Person whom he shall call to his Assistance, and they are hereby enjoined and required to pursue and apprehend such Person or Persons so escaping, and to deliver them back into the said Hospital, there to be detained as aforesaid, and every such Person so escaping shall forfeit and pay the Sum of *Twenty Pounds*, or receive any Number of Lashes, not exceeding Twenty-one, on his bare Back, well laid on.

V. *AND be it further enacted by the Authority aforesaid*, That the Expence of Nursing, Physic, Maintenance and Necessaries, which shall be found and provided for all such sick and distempered Persons, as shall be so ordered to remain and be detained in the said Hospital, and of burying them, in case of their Deaths, shall be paid and defrayed by the Importer, Commander, Master, Owner or Factor, of the Vessel, in which such distempered Persons shall be imported.

VI. *AND* where the said sick or distempered Persons shall be Passengers, and not Servants, the said Expence shall be repaid by them, their Executors or Administrators, to the said Importer, Commander, Master, Owner or Factor; and that it shall and may be lawful for any Justice of the Peace, and he is hereby enjoined and required, on Application to him made by the Keeper of the said Hospital, to summon the Importer, Commander, Master, Owner or Factor, of the said Vessel before him, and to oblige them, or some, or one of them, to give Bond to the said Keeper, with one good and sufficient Surety, in a competent Sum of Money, with Condition under written, to find and provide for all such sick and distempered Persons, during their Continuance in the said Hospital, proper Food, Nursing, Physic and other Necessaries, or to pay and satisfy the said Keeper for providing the same; and in case the said Importer, Commander, Master, Owner or Factor, shall refuse or neglect to appear, or shall refuse to become bound in Manner aforesaid, the said Justice shall commit him to the common Goal of the County, there to remain, without Bail or Main-prize, until he shall conform to the Directions of this Act.

VII. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall go on board any such Ship or Vessel, which shall be found so having any infectious Person on board, before the Commander, Master, or other Person having the Charge of such Ship or Vessel, shall have obtained a Licence or Permit as aforesaid to proceed to her Port or Place of Discharge, without a special Licence from the said Officer for that Purpose, every such Person, so offending, shall forfeit and pay the Sum of *Five Pounds* for every such Offence.

VIII. *AND be it further enacted by the Authority aforesaid*, That when any such Ship or Vessel shall arrive at the Port or Place of Discharge, the said Officer and Physician shall again visit, and carefully examine and enquire into the State and Condition of the People on board, and if they shall find any of them infected with any infectious Disease (except as before excepted) the said Officer shall order and enjoin the said Commander, Master, or other Person having the Charge of such Ship or Vessel, to transport forthwith the said Persons so infected to the said Hospital, there to remain and to be detained, as is herein before directed

directed as to other infectious Persons; which Order the said Commander, Master, or other Person having the Charge of such Ship or Vessel, shall immediately comply with, under the Penalty of *One Hundred Pounds* for every Neglect or Refusal.

IX. *AND be it further enacted by the Authority aforesaid*, That the Physician who shall visit any Ship or Vessel, and discharge the Duties by this Act enjoined and required of him, shall receive, for his Trouble, *Three Pounds Ten Shillings* for each Vessel, and no more; and the said Officer, for his Trouble, the Sum of *Twenty Shillings*, and no more, to be paid by the Commander, Master, Owner or Factor thereof.

Physician and Officer's Reward.

X. *AND* whereas the entertaining sick and distempered Persons, brought into this Province, has been attended with fatal Consequences, *Be it enacted by the Authority aforesaid*, That no House-keeper, or other Inhabitant of this Province, shall receive into his or their Houses or Out-houses, or in any Manner entertain any Person or Persons whatsoever, knowing him or them to have been ordered by the said Officer, in Pursuance of the Directions of this Act, to remain in the said Hospital, or to be sent there, without giving Notice thereof forthwith to the said Officer, or Keeper of the said Hospital, unless such Person or Persons, so received and entertained, shall have obtained a Certificate in Writing from the Physician aforesaid, of his being discharged from the said Hospital, under the Penalty of *Twenty Pounds* for every such Offence.

Penalty on entertaining Persons, who have been ordered to the Hospital, without a Certificate of Discharge from the Physician.

XI. *AND be it further enacted by the Authority aforesaid*, That from and after the First Day of *June* next ensuing the Publication of this Act, no Commander, Master, or other Person having Charge of any Ship or Vessel, bound to the Port of *Philadelphia*, or any other Port or Place within this Province, shall import into the River *Delaware*, or into any Port within this Province, any greater Number of Passengers and Servants than such only as shall be well provided and supplied with good and wholesome Meat, Drink and other Necessaries, particularly Vinegar, as well to wash and cleanse the Vessel, as for the Use of the Persons on board during the Voyage; and that the Room or Birth that shall be allowed to each single Freight or Person, of the Age of fourteen Years and upwards, shall be at least six Feet in Length, and one Foot six Inches in Breadth; and if under the Age aforesaid, shall be at least the same Length and Breadth for two such Persons; and that all such Rooms or Births shall, in the Fore-part of the Ship or Vessel between Decks, be of the Height of three Feet nine Inches, and in the Cabin and Steerage two Feet nine Inches at least; and that no more than two whole Freight Persons shall be put together in one Bedstead or Division, except where Parents shall desire to have any of their Children in the same Bedstead or Division; and if any such Commander, Master, or other Person having the Charge of any Ship or Vessel, shall offend in the Premises, either by not providing and supplying his Passengers and Persons on board with the Necessaries aforesaid, or by not allowing the Room and Birth herein before directed, according to the true Intent and Meaning of this Act; he shall forfeit and pay the Sum of *Five Hundred Pounds* for every such Offence. And the Officer herein before mentioned shall, on visiting any Ship or Vessel, bound to any Port or Place within this Province, having Passengers on board as aforesaid, diligently enquire, whether the Directions herein before mentioned have been fully complied with; and if he shall find the contrary, he shall, under the Penalty of *One Hundred Pounds*, forthwith report the same to some Justice of the Peace, who shall thereupon issue his Warrant for apprehending the said Offender, and take sufficient Surety for his Appearance at the next County Court of Quarter Sessions; and if he shall fail in finding such Surety, to commit his Body to the common Goal of the County, in order that he may be proceeded against as this Act directs.

Passengers, &c. to be well supplied with Necessaries during the Voyage.

The Room to be allowed each Passenger specified, &c.

Officer to enquire whether the above Directions have been fully complied with, &c.

XII. *AND be it further enacted by the Authority aforesaid*, That all and every Commander, Master, or other Person having Charge of any Ship or Vessel, bound to the Port of *Philadelphia*, or any other Port or Place within this Province, shall pay, or secure to be paid, to the said Officer, the Sum of *Six-pence* (over and above the Sums of Money directed by Law to be paid) for every Passenger or Servant which he shall import into this Province; which said Sum the said Commander, Master, or other Person having the Charge of such Ship or Vessel,

Additional Sum of *Six-pence* to be paid by the Master for every Passenger, &c.

Vessel, is hereby authorised to recover of and from such Passengers and Servants respectively; and that the said Officer shall pay the said Monies to the Provincial Treasurer, to be disposed of and applied by the Trustees of the Province-Island towards paying the Wages of the Keeper of the Hospital, and other Expences which may arise from placing sick and unhealthy Persons in the said Hospital; and the said Officer shall have and receive, for his Trouble, *Two and an Half per Cent.* for receiving and paying the same.

Offences
against this
Act cogniza-
ble in any
Court of
Quarter Ses-
sions within
this Province.

XIII. *AND be it further enacted by the Authority aforesaid,* That all and every the Crimes and Offences mentioned in this Act shall be cognizable, and heard, tried and determined, in any Court of Quarter Sessions within this Province, in the usual and ordinary Course of Proceedings in said Court; and if any Person or Persons shall be legally convicted, in any of the said Courts, of any of the said Crimes and Offences, the Fines and Penalties hereby imposed on him or them for the same shall be paid to the Provincial Treasurer, to be disposed of and applied by the said Trustees for and towards the Purposes aforesaid.

Persons sued,
may plead
the general
Issue.

XIV. *AND be it further enacted by the Authority aforesaid,* That if any Action or Suit shall be commenced against any Person or Persons, for any Matter or Thing done in Pursuance of this Act, the Defendant or Defendants may plead the General Issue, and give this Act, and the special Matter, in Evidence, at any Trial to be had thereupon; and if the Plaintiff shall be non-suited, or discontinue his Action, or if Judgment shall be given against him, the Defendant or Defendants shall recover treble Costs, to be adjudged by the Court.

Former Acts
repealed.

XV. *AND be it further enacted by the Authority aforesaid,* That the Act of Assembly, passed in the Twelfth Year of the Reign of WILLIAM the Third, intituled, *An Act to prevent sickly Vessels coming into this Province,* and so much of the Act of Assembly, intituled, *An Act for vesting the Province-Island, and the Buildings thereon erected, and to be erected, in Trustees, for providing an Hospital for such sick Passengers as shall be imported into this Province, and to prevent the spreading of infectious Diseases,* passed in the Sixteenth Year of the Reign of His late Majesty GEORGE the Second, of one other Act of Assembly, intituled, *An Act for the prohibiting the Importation of Germans, or other Passengers, in too great Numbers in any one Vessel,* passed in the Twenty-third Year of the Reign of His said late Majesty, and of one other Act of Assembly, intituled, *A Supplement to the Act, intituled, An Act for the prohibiting the Importation of Germans, or other Passengers, in too great Numbers in any one Vessel,* as is by this Act altered, amended or supplied, shall be, and is hereby declared to be repealed.

Passed January 22, 1774.

C A P. IV.

An A C T to amend the Act, intituled, *An Act for granting to His Majesty the Sum of Fifty-five Thousand Pounds, and for striking the same in Bills of Credit, in the Manner herein after directed, and for providing a Fund for sinking the said Bills of Credit, by a Tax on all Estates, real and personal, and Taxables within this Province.*

Preamble.

WHEREAS in and by the Act of General Assembly, passed in the Fourth Year of His present Majesty's Reign, intituled, *An Act for granting to His Majesty the Sum of Fifty-five Thousand Pounds, and for striking the same in Bills of Credit, in the Manner herein after directed, and for providing a Fund for sinking the said Bills of Credit, by a Tax on all Estates, real and personal, and Taxables within this Province,* it was declared and enacted, That the Sum of *Fifty-five Thousand Pounds*, in Bills of Credit, should be given to the King's Use; and to the End the said Sum, in Bills of Credit, should be duly sunk and destroyed, it was, among other Things, thereby further enacted, That there should be levied on all Estates, real and personal, within this Province, of all and every Person and Persons (the Proprietaries waste and unlocated Lands only excepted) the Sum of *Eighteen-pence* for every Pound clear yearly Value of the said Estates, in the Manner and under the Regulations in the said Act mentioned. And where-as great Inequality in rating and assessing the said Sum of Money, on the said Estates,

Eſtates, has taken Place in the ſeveral Counties of this Province, either through a Miſ-conſtruction of the Law, or for Want of more clear and explicit Directions as to the Manner of rating and aſſeſſing the ſaid Eſtates, whereby the full Sum of Money intended by the ſaid recited Act to be annually levied and paid, towards ſinking the ſaid Bills of Credit, has not been raiſed: For Remedy whereof, and to the End that the ſaid Deficiency may be hereafter ſupplied, and the ſaid Sum of *Fifty-five Thouſand Pounds*, in Bills of Credit, may be ſunk and deſtroyed with all convenient Speed, agreeable to the true Intent and Meaning of the ſaid recited Act, it is expedient that divers Alterations, Amendments and Explanations, ſhould be made in the ſame; BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Eſq; Governor and Commander in Chief of the Province of *Pennſylvania*, by and with the Advice and Conſent of the Representatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That from and after the Firſt Day of *September*, next enſuing the Publication of this Act, ſo much of the ſaid recited Act, as relates to the enjoining, requiring or authoriſing, the Aſſeſſors of the ſeveral Diſtricts or Diviſions to join with and aſſiſt the County Aſſeſſors, to rate and aſſeſs the Diſtricts for which they ſhall be reſpectively choſen, ſhall be, and is hereby declared to be, repealed, to all Intents and Purpoſes; and that the ſaid County Aſſeſſors ſhall alone proceed to rate and aſſeſs all the Property, as well real as perſonal, and ſingle Freemen, within their reſpective Counties, agreeable to the Directions of the ſaid recited Act, not hereby altered or ſupplied, and of this Act.

County Aſſeſſors alone to rate and aſſeſs Property.

II. AND whereas it was further enacted in and by the ſaid recited Act, That all cultivated Lands and Plantations, with the Buildings and Improvements thereon, ſhould be rated, in the ſeveral Counties of this Province, at three Fifths of ſuch yearly Value as the Aſſeſſors ſhould judge the ſame would rent for, having a Regard to, and rating the ſame as nearly as may be in Proportion to the Rent of ſuch Plantations, as they ſhall find reaſonably and juſtly rented in the reſpective Townſhips or Counties, allowing a reaſonable Quantity of Timber Land for Repairs and Fuel; and all improved Plantations ſhould be rated at three Fifths of the Rent reſerved; and all uncultivated Parts of ſuch Plantations to be rated as located and unimproved Lands were therein after directed to be rated. And whereas great Inequality has happened in the Rates and Aſſeſſments in the ſeveral Counties, occaſioned by too great an Allowance of Timber Land for Repairs and Fuel to ſuch improved Plantations, made by the Aſſeſſors of the ſeveral Counties, and for Want of an explicit Declaration in the ſaid recited Act of the loweſt Rate at which all ſuch improved Plantations, whether rented or in the Poſſeſſion of the Owner, ſhould be rated; *Be it therefore enacted by the Authority aforeſaid*, That from and after the Firſt Day of *September*, next enſuing the Publication of this Act, all improved Lands and Plantations, with the Buildings and Improvements thereon, in the Poſſeſſion of the Owners, ſhall be rated, in the ſeveral Counties of this Province, at three Fifths of ſuch yearly Value as the County Aſſeſſors ſhall judge the ſame will rent for, having Regard to, and rating the ſame as nearly as may be in Proportion to the Rent of ſuch Plantations, as they ſhall find reaſonably and juſtly rented in the reſpective Townſhips or Counties; and all improved Lands and Plantations, which ſhall be rented, ſhall be rated at three Fifths of the Rent reſerved, allowing to all ſuch improved Lands not exceeding the Proportion of Thirty Acres of Timber Land for every Hundred ſo improved, for Repairs and Fuel; and that all uncultivated Parts of ſuch Plantations, whether rented or in the Poſſeſſion of the Owner, after the ſaid Allowance ſhall be deducted, ſhall be rated as located and unimproved Lands are, in and by the ſaid recited Act, directed to be rated, and in no other Manner whatſoever. *Provided always, and it is hereby declared and enacted*, That no improved Lands whatſoever ſhall be rated and aſſeſſed at any leſs Rate than *Five Pounds per Hundred Acres*.

Manner of rating improved Lands, &c. after the Firſt of *September* next.

III. PROVIDED alſo, and be it further enacted by the Authority aforeſaid, That where any Perſon ſhall, after the Publication of this Act, remove, with his or her Family, into any of the Counties of *Bedford*, *Northumberland* or *Westmoreland*, and there ſettle on a Tract of uncultivated Land, which he or ſhe holds

Discretion-
ary Power in
the Assessors
for the Quanti-
ties of Bed-
ford, &c.

in his or her own Right, and not under a Lease for a Year or Years, or any shorter Time, with Intent to improve the same, it shall be lawful for the said County Assessors to allow to such Person such an Abatement of his or her Taxes, in Part, or in the Whole, for the Space of one Year next after such his or her Settlement, according to their best Discretion, taking into their Consideration the Circumstances of such Settler, and his or her Inability to pay the same.

Qualification
to be taken
by the As-
sessor of each
Township,
&c.

County As-
sessor's Qua-
lification.

IV. *AND be it further enacted by the Authority aforesaid, That the Freeholder directed in the said recited Act to be chosen by the Inhabitants of the respective Townships, Boroughs, Wards or Districts, for an Assessor, and to make a Return of Property within their respective Limits, shall, instead of the Oath or Affirmation directed to be taken by the said Act, before he shall enter upon the Duties enjoined and required of him by the said recited Act, and not hereby repealed, and this Act, before some Magistrate of the County, take an Oath or Affirmation, THAT he will go to the Place or Places of Abode of all and every Person and Persons therein, and make a faithful and diligent Enquiry into, and endeavour, by all lawful Means and Ways in his Power, to procure a true and exact Account of the real and personal Estate of every Inhabitant, and of the real Estates of Non-residents therein, and of the true Value of such Estates; and shall further, at the Time he shall attend and make his Return of Property to the County Assessors, on and under the same Oath or Affirmation, make just and true Answers, to the best of his Knowledge, to all Questions which shall be asked and put to him by the same Assessors, touching or in any wise concerning the real and personal Property within his Township, and the Value thereof. And that the County Assessors, instead of the Oaths or Affirmations directed to be taken by the Act, intituled, An Act for raising County Rates and Levies, shall take an Oath or Affirmation in the Words following, to be administered by any two Justices of the Peace of their respective County, viz. YOU shall well, faithfully and diligently, enquire of the Freeholders chosen to make Returns of Property, upon their several and respective Oaths and Affirmations, of and concerning the Quantities, Amount and Value, of every Kind of real and personal Property, and of and concerning the Numbers of single Freemen within their respective Limits, by putting such Questions to them respectively, as you shall think most proper to obtain a just and perfect Discovery thereof, and that you will, upon the Returns made to you by the said Freeholders, and upon the Enquiries and Discoveries so made by yourself and your Brethren, the other County Assessors, as well as upon what you shall know of your own Knowledge, cause the Rates and Sums of Money, by Virtue of the said recited Act imposed and directed to be raised, justly and equally to be assessed and laid on all and every of the several Kinds of real and personal Property, and single Men, by the Act, intituled, An Act for granting to His Majesty the Sum of Fifty-five Thousand Pounds, and for striking the same in Bills of Credit, in the Manner herein after directed, and for providing a Fund for sinking the said Bills of Credit, by a Tax on all Estates, real and personal, and Taxables within this Province, directed to be rated in the same Manner, and according to the Rules, Orders and Regulations, laid down in and by the same Act, and not altered and repealed, and by this Act, imposing the same, and no other Rate or Rates, on the several Kinds of Property, than what are therein and herein directed, according to the best of your Skill, Conscience and Judgment; and in laying the said Rates you shall spare no Person for Favour or Affection, nor grieve any for Hatred or Ill-will.*

Part of the
former Act
repealed.

V. *AND be it further enacted by the Authority aforesaid, That so much of the said recited Act, as relates to the rating and assessing improved Lands and Plantations, shall be and is hereby repealed, to all Intents and Purposes.*

Passed January 22, 1774.

C A P. V.

An ACT to oblige the Trustees and Assignees of insolvent Debtors to execute their Trusts.

Preamble.

WHEREAS many Persons, finding themselves incapable of discharging their just Debts, have, by their Deeds and Conveyances duly executed, conveyed and assigned over all their Lands, Tenements, Goods, Chattels and Effects,

fects, to Trustees in the said Deeds mentioned, in Trust, to sell and dispose thereof, and to apply and appropriate the Monies, arising from such Sales, towards Payment of their said Debts, in Proportion to the Demands of their several and respective Creditors. And whereas many of the said Trustees, regardless of their said Trusts, have neglected to perform and execute the same, and to pay to the Creditors of such Insolvents such Monies and Effects as have come to their Hands, under and in Pursuance thereof, to the great Injury of the said Creditors; BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esq; Governor and Commander in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That where any insolvent Debtor or Debtors have before conveyed and assigned, or shall, after the Passing of this Act, convey and assign, by his, her or their Deed or Conveyance duly executed, his, her or their Lands, Tenements, Goods, Chattels or Effects, to a Trustee or Trustees, in Trust for the Use of his, her or their Creditors, and the said Trustee or Trustees, or his or their Executors or Administrators, shall have neglected or refused to perform and execute their said Trust, it shall and may be lawful for any Creditor or Creditors of such insolvent Debtors to petition any County Court of Common Pleas within this Province, setting forth the Circumstances of the Case, and, upon Proof made of such Assignment, the Acceptance, undertaking or entering upon the Execution of the Trust therein contained, by the said Trustee or Trustees, or any of them, and his or their Neglect or Refusal to execute the same, and every Part thereof, according to the true Intent and Meaning of such Conveyance and Assignment, the said Court shall, and they are hereby authorized and required to nominate and appoint three or more judicious Men as Commissioners, who, or a Majority of them, shall audit, settle, and finally adjust the Accounts of such Trustee or Trustees, his or their Executors or Administrators, as well as the Debts and Demands of the said Petitioner or Petitioners, and all of the other Creditors of such Insolvent, and to settle and finally determine the Shares and Proportions, which each and every such Creditor or Creditors is justly intitled to, of the said Insolvents Estate, as well real as personal, in the Hands and Possession of the said Trustee or Trustees, or his or their Executors or Administrators, and of such which ought to be in their Hands, upon a true and faithful Execution of their said Trust, and to make a Report of their Proceedings to the said Court, at such Day or Days as the said Court shall from Time to Time appoint; and the said Court shall make such Allowance for their Trouble to the said Commissioners, out of the Estate of the said Insolvents, as shall be just and reasonable.

Trustees of insolvent Debtors neglecting or refusing to execute their Trust, Court of Common Pleas, on Petition, to appoint Commissioners, &c.

II. *AND be it further enacted by the Authority aforesaid*, That the said Commissioners, or a Majority of them, shall be and they are hereby authorized and empowered to call before them the said Trustee or Trustees, his or their Executors or Administrators, and to compel them to exhibit just and true Accounts of all Lands, Tenements, Goods, Chattels, Monies, Debts and Effects, which have come to their Hands in Virtue of such Conveyances and Assignments; and also to call before them, and to examine, on Oath or Affirmation, such Persons as they shall think proper, touching the same, as well as concerning any Debts or Demands which shall be claimed or made by any Creditor or Creditors of such Insolvents; and in case such Trustee or Trustees, or his or their Executors or Administrators, shall neglect or refuse to appear, or to exhibit his or their Accounts as aforesaid, or if any such Witnesses shall refuse or neglect to appear, or to be examined as aforesaid, it shall be lawful for the said Commissioners, or a Majority of them, to cause them to be apprehended by their Warrant, directed to the Sheriff of the proper County, and to commit the Delinquents to the common Goal, there to remain, without Bail or Main-prize, until they shall comply with the Directions of this Act.

Commissioners empowered to compel such Trustees, &c. to exhibit just and true Accounts, &c.

II. *AND be it further enacted by the Authority aforesaid*, That if any of the said Trustees, or their Executors or Administrators, shall conceive themselves aggrieved in any Article or Articles, or particular Matters or Things, in the Account settled and returned to the said Court by the said Commissioners, and shall, by his or their Petition, particularly mentioning the said Articles, or particular Matters

Trustees, &c. being aggrieved, may petition to be re-heard by the Court, &c.

Matters and Things, pray to be re-heard by the said Court, the Justices thereof shall proceed to enquire into, hear and determine the same according to Law and Justice, and shall thereupon, or upon the Report returned as aforesaid, order and adjudge the said Trustee or Trustees, his or their Executors or Administrators, forthwith to satisfy and pay to each and every Creditor and Creditors of such insolvent Debtors, his just and reasonable Dividend and Proportion.

Debtors confining themselves in their Houses for Six Days, with Design to defraud their Creditors, Justices may grant Writs of Attachment.

IV. AND whereas the Laws of this Province respecting domestic Attachments are defective, inasmuch as they do not impower the Justices to issue Writs of Attachment against Persons, who shall confine or conceal themselves within their own Houses, or elsewhere, with Intent to defraud their Creditors, *Be it therefore enacted by the Authority aforesaid*, That if it shall appear, by the Oath or Affirmation of any Creditor or Creditors, or any other credible Person for him or them, that his or their Debtor or Debtors have confined him or themselves in his or their own House or Houses, or concealed him or themselves elsewhere, for and during the Space of Six Days, with Design to defraud his, her or their Creditors, as is believed, and that he, she or they have not a clear real Estate in Fee Simple within this Province, sufficient to pay his, her or their Debts, it shall be lawful for the Justices of the respective County Courts of Common Pleas within this Province to grant Writs of Attachment against all the Lands, Tenements, Goods and Chattels, of such Person, so confining or concealing him, her or themselves, upon which Writs of Attachment the Proceedings shall be the same in all Respects, as are by Law directed, used and accustomed, in Cases of Attachments issued against the Goods and Chattels of Persons absconding from their Places of usual Abode, with Design to defraud their Creditors.

Passed January 22, 1774.

C A P. VI.

An A C T for regulating the Fishery in the River *Connessogoe*, in the County of *Lancaster*.

Preamble.

WHEREAS it hath been represented to the Assembly, by Petition from a Number of the Freeholders of the County of *Lancaster*, that live on or near the River *Connessogoe*, that their Ancestors, themselves, and the adjacent Inhabitants, have formerly enjoyed great Advantages from the Fishery in the same River, but that the Petitioners and others have, for some Time past, been in great Measure deprived of this Benefit, from divers Persons having erected Dams across the said River, to the almost total Obstruction of the Fish running up the same; Wherefore, for remedying the Mischiefs aforesaid, BE IT ENACTED by the Honourable JOHN PENN, Esq; Governor and Commander in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all and every Person and Persons whatsoever, having already erected, or that shall hereafter erect, any Mill-dam or other Obstruction across the said River, below the Mouth of *Muddy Creek*, shall make, open and leave, the Space of Ten Feet in Breadth near the End of said Dam, at least Fourteen Inches lower than any other Part thereof, as far up the said River as the Mouth of *Cocallico Creek*, and above that to the Mouth of *Muddy Creek*, at least Five Feet in Breadth, and Fourteen Inches lower, near the End of said Dam, than any other Part thereof, so that there be at least Twelve Inches Depth of Water, during the Months of *March*, *April* and *May*, in every Year, constantly running through the same; and for every Foot that the Dam is or shall be raised perpendicular from the Bottom of the said River, there shall be laid a Platform, either of Stone or Timber, or of both, with proper Walls on each Side, to confine the Waters, which shall extend at least Five Feet down the Stream, and of the Breadth aforesaid, to form a Slope for the Waters gradual Descent; and that all and every Person and Persons, who shall refuse or neglect to make or alter his, her or their Dams, in the Manner directed as aforesaid, within the Term of one Year next after this Act shall be in Force, every such Person so offending, contrary to the true Intent and Meaning of this Act, being legally convicted thereof, by the Oath or Affirmation of one or more Witnesses, or by his

Manner of erecting Mill-dams below the Mouth of *Muddy Creek*, &c.

or her own Confession, shall forfeit and pay the Sum of *One Hundred Pounds*, lawful Money of this Government, for every such Offence, or suffer Twelve Months Imprisonment, without Bail or Main-prize; one Moiety of which Forfeiture shall be paid to the Informer or Prosecutor, and the other Moiety to the Overseers of the Poor of the Township where such Offender shall reside, for the Use of the Poor of the said Township.

II. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons whatsoever, from and after this Act shall be in Force, shall erect, build, set up, repair or maintain, or shall be aiding, assisting or abetting, in erecting, building, setting up, repairing or maintaining, any Wear, Rack, Basket, Fishing-dam, Pound, or other Device or Obstruction whatsoever, within the said River, below the Places aforesaid, for the taking of Fish; or that shall fix or fasten any Net or Nets across the same, or any Part thereof, whereby the Fish may be obstructed from going up the same; or that shall take, destroy or spoil any Spawn, Fry or Brood of Fish, of any Kind whatsoever, in any such Wear, Rack, Basket, Pound or other Device aforesaid, every such Person so offending, being thereof legally convicted in Manner aforesaid, shall forfeit and pay the Sum of *Fifty Pounds*, lawful Money of this Government, for every such Offence, or suffer Six Months Imprisonment, without Bail or Main-prize; one Moiety of which Forfeiture shall be paid to the Informer or Person who shall prosecute for the same, the other Moiety to the Use of the Poor of the Township, where such Offender shall reside.

Penalty on erecting Weirs, &c.

III. *AND for the more effectual detecting and punishing Offenders against this Act, Be it enacted by the Authority aforesaid*, That the Constables of each respective Township, which shall be bounded by or adjoining to any Part of the said River, shall, and they are hereby enjoined and required, under the Penalty of *Five Pounds*, to be recovered as Debts not exceeding *Five Pounds* are directed by Law to be recovered, and to be applied in the Manner last aforesaid, carefully and diligently to inspect and view, once at least in every Month after this Act shall be in Force, such Parts of the said River, as shall be adjoining to his respective Township; and having any Knowledge of any Offence against this Act, he shall forthwith give Information to the next Justice of the Peace, who shall call such Offender before him, by Warrant or Summons, and if, on hearing, he shall appear to be guilty of any Offence against this Act, the said Justice shall take his Recognizance, with one sufficient Surety, for his Appearance at the next Court of General Quarter Sessions of the Peace, to be held for said County.

Constables to inspect and give Information of Offences against this Act, &c.

IV. *AND be it further enacted by the Authority aforesaid*, That after the said Dams shall be altered or built agreeable to the true Intent and Meaning of this Act, no Person or Persons whatsoever shall cast or draw any Net or Seine in the said River, at or within the said Opening, or within Twenty Perches above or below the same, under the Penalty of *Fifty Pounds*, to be recovered and applied in Manner first aforesaid.

Mill-dams being made agreeable to this Act, no Person to draw a Seine within 20 Perches, &c.

V. *PROVIDED always nevertheless*, That nothing in this Act contained shall be construed or understood to deprive or hinder any Person from drawing a Seine or Net, for the taking of Fish in any Part of the said River, except in the Places last aforesaid.

Passed January 22, 1774.

C A P. VII.

An ACT for repealing a Part of an Act, intituled, *An Act for regulating Pedlars, Vendues, &c.*

TO the End that the Sale of Books by public Auction or Vendue may be encouraged in the City of *Philadelphia*, BE IT ENACTED by the Honourable JOHN PENN, Esq; Governor and Commander in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That so much of the Act of General Assembly, passed in the Third Year of His late Majesty GEORGE the Second, intituled, *An Act for regulating Pedlars, Vendues, &c.* as relates to the prohibiting the Sale of Books within the City of *Philadelphia*, shall be, and is hereby declared to be, repealed,

and that nothing in the said Act contained shall hereafter be deemed, held, taken or construed, to extend to prohibit or prevent any Person or Persons whatsoever from selling Books by public Auction or Vendue within the said City.

Passed January 23, 1774.

C A P. VIII.

An A C T to increase the Allowance to Members of Assembly, for their Attendance on the public Service.

Preamble.

WHEREAS in and by the Act of General Assembly, passed in the Fourth Year of Her late Majesty Queen ANNE, intituled, *An Act to ascertain the Number of Members of Assembly, and to regulate the Elections*, it was declared and enacted, "That every Member, chosen or to be chosen to serve in Assembly, should be allowed the Sum of *Six Shillings per Day*, and the Speaker *Ten Shillings per Day*, during his and their Attendance in the Service thereof; and that every Member of Assembly should be allowed, towards his travelling Charges, after the Rate of *Three-pence* a Mile coming to and going from the Place where the Assembly should be held." And whereas since the Passing of the said Act the Price of Provisions, and the Expence of Travelling, Lodging and Diet, has greatly increased, insomuch that the Sum of Money, allowed by the said Act to the said Members *per Day*, is not sufficient to maintain and support them in the necessary Accommodations, during their Attendance in the Service of the Public, BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esq; Governor and Commander in Chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That, instead of the said Sum of *Six Shillings*, every Member to be chosen, after the Publication of this Act, to serve in Assembly, shall be allowed the Sum of *Eight Shillings*, and the Speaker, instead of the Sum of *Ten Shillings*, the Sum of *Twelve Shillings per Day*, during his and their Attendance in the Service thereof; and that every such Member shall be allowed, towards his travelling Charges, after the Rate of *Five-pence* for every Mile he shall travel, once in each Sitting, in coming to and going from the Place where the Assembly shall be held, and that the said Sum of Money shall be paid by the respective Counties, out of the County Stock.

Assembly-
mens Allow-
ance.

Part of the
former Act
repealed.

II. AND be it further enacted by the Authority aforesaid, That so much of the herein before recited Act, as declares what shall be allowed to the Speaker and other Members of Assembly, shall be and is hereby repealed.

Passed January 22, 1774.

C A P. IX.

An A C T for lending the Sum of *Eight Hundred Pounds* to the several and respective Counties of *Bedford*, *Northumberland* and *Westmoreland*, for building a Court-house and Prison in each of the said Counties.

Preamble.

WHEREAS it has been represented that the Counties of *Bedford*, *Northumberland* and *Westmoreland*, have Occasion for *Eight Hundred Pounds* for each County, to build and erect a Court-house and Prison in the said respective Counties, BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esq; Governor and Commander in Chief of the Province of *Pennsylvania*, by and with the Consent and Advice of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Sum of *Eight Hundred Pounds*, in Bills of Credit of this Province, shall be delivered by the Trustees of the General Loan-Office of the Province of *Pennsylvania*, out of the several Quotas allotted for the said Counties of *Bedford* and *Northumberland*, by the Act, intituled, *An Act for emitting the Sum of One Hundred and Fifty Thousand Pounds, in Bills of Credit, on Loan, and providing a Fund for the Payment of public Debts*, to the respective Treasurers of the said Counties of *Bedford*, *Northumberland* and *Westmoreland*, they

£ 800 to be
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Office to the
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they severally giving their Receipt for the same to the Trustees of the General Loan-Office aforesaid, which said respective Treasurers shall pay the same to the Order of the Trustees, appointed to build the said Court-house and Prison for the said respective Counties, who shall annually lay the Accounts of their several and respective Payments and Disbursements before the Commissioners and Assessors of the same Counties; and the Receipts of the said respective Treasurers shall be a Discharge to the said Trustees of the Loan-Office, for the Sum so delivered.

II. AND in order that the Monies, by this Act directed to be lent to the said Counties, may be duly sunk (without any Interest thereon to be charged) *Be it enacted by the Authority aforesaid*, That the said several Sums of *Eight Hundred Pounds*, in Bills of Credit, shall be sunk by Taxes, to be laid and levied in the said several Counties of *Bedford, Northumberland and Westmoreland*, in the same Manner that County Levies are annually raised and levied, until all the said Bills of Credit, so as aforesaid received on the Account and for the Use of the said several Counties, be sunk in the Manner prescribed and directed by the said recited Act.

Passed July 23, 1774.

C A P. X.

An ACT to continue an Act, intituled, *An Act to amend the Act, intituled, An Act to prevent the Exportation of Bread and Flour not merchantable.*

WHEREAS an Act of General Assembly of this Province, intituled, *An Act to amend the Act, intituled, An Act to prevent the Exportation of Bread and Flour not merchantable*, was passed in the Seventh Year of the present Reign, and hath been found, on Experience, to be of Use and Benefit to the Inhabitants of this Province: And whereas the said Act is now near expiring by its own Limitation, BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esq; Governor and Commander in Chief of the Province of *Pennsylvania*, by and with the Consent and Advice of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the said Act, and every Article, Clause and Thing therein contained (so much thereof as relates to the appointing *Thomas Prior*, the younger, *John Priestly* and *Edward Russell*, Officers for putting the said Act, and the Act to which the said Act is an Amendment, in Execution, the Clause of Limitation aforesaid, and the Clause for limiting the Term of the Continuance of the Officers in their respective Offices, only excepted) shall be, and is hereby declared to be in full Force and Virtue, for and during the Term of Seven Years, from and after the Publication hereof, and from thence to the End of the next Sitting of Assembly, and no longer.

II. *AND be it further enacted by the Authority aforesaid*, That *Levi Hollingsworth* shall be, and is hereby appointed, the Officer for viewing and examining all Flour shipped, or intended to be shipped, directly out of this Province from the City and County of *Philadelphia*; and that *Joseph Hall*, of *Bucks County*, shall be, and is hereby appointed, the Officer for viewing and examining all Flour shipped, or intended to be shipped, directly out of this Province from the County of *Bucks*; and that *Edward Russell*, of *Chester County*, shall be, and is hereby appointed, the Officer for viewing and examining all Flour shipped, or intended to be shipped, directly out of this Province from the County of *Chester*.

III. *AND be it further enacted by the Authority aforesaid*, That the Officers aforesaid shall continue in their respective Offices, from the Publication of this Act, for the Space of Four Years, and from thence until the End of the next Sitting of Assembly, and no longer, except they shall be re-appointed by the Assembly.

Passed July 23, 1774.

C A P. XI.

An ACT for the Support of the Government of this Province, and Payment of the public Debts.

Passed September 29, 1774.

C A P.

At a GENERAL ASSEMBLY, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Dom. 1774, in the Fourteenth Year of the Reign of our Sovereign Lord GEORGE III. and continued by Adjournments to the Eighteenth Day of *March* following.

C A P. I.

A SUPPLEMENT to the Act, intituled, *An Act for emitting the Sum of One Hundred and Fifty Thousand Pounds, in Bills of Credit, on Loan, and providing a Fund for the Payment of public Debts.*

WHEREAS a considerable Part of the Bills directed to be prepared, printed and signed, in and by an Act of General Assembly, passed in the Thirteenth Year of His present Majesty's Reign, intituled, *An Act for emitting the Sum of One Hundred and Fifty Thousand Pounds, in Bills of Credit, on Loan, and providing a Fund for the Payment of public Debts*, still remains unsigned, to the great Inconvenience of Persons applying to borrow the same: Therefore, to expedite the Signing thereof, BE IT ENACTED by the Honourable JOHN PENN, Esq; Governor and Commander in Chief of the Province of *Pennsylvania*, by and with the Consent and Advice of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That *James Stephens, Thomas Leech, Benedict Dorsey, William Crispin, John Lownes, and Robert Tuckniss*, be, and they are hereby added to the Signers nominated and appointed by the said Act, and shall take the same Oath or Affirmation, have the same Powers, and receive the same Reward for their Trouble, to be paid in the same Manner, as in and by the said Act are directed with regard to the Signers therein nominated and appointed.

Passed December 14, 1774.

C A P. II.

A SUPPLEMENT to the Act, intituled, *An Act for erecting the Northwest Part of Bucks into a separate County.*

Preamble.

WHEREAS by the Act of General Assembly for erecting and laying off the County of *Northampton*, passed in the Twenty-fifth Year of the Reign of His late Majesty GEORGE the Second, it is provided and enacted, That the Freemen and Inhabitants of the said County, qualified by the Laws of this Province to vote at the General Election, should annually choose (until it should otherwise be ordered by Law) one Representative or Delegate, to represent them in Assembly. And whereas, since the passing the said Law, the Number of Inhabitants in the said County is considerably increased, BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esq; Governor and Commander in Chief of the Province of *Pennsylvania*, by and with the Consent and Advice of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Freeholders and Inhabitants of the said County of *Northampton*, qualified by the Laws of this Province to vote at the General Election, shall, at the same Time the Inhabitants of the other Counties meet for the like Purpose, assemble at their County

County Town of *Easton*, and elect for the said County two Representatives or Freeholders, Delegates, to serve them in Assembly, in the same Manner as by the Charter and *Act of Northampton* Laws of this Province is directed in respect to the other Counties; which said County to elect two Representatives, so chosen, shall be Members of the General Assembly of this Province of *Pennsylvania*, and sit and act as such, as fully and freely as any of the Representatives for the other Counties within this Province do, may, can or ought to do.

II. *AND be it further enacted by the Authority aforesaid*, That so much of the said Act of General Assembly, passed in the Twenty-fifth Year of the Reign of His late Majesty GEORGE the Second, to which this Act is a Supplement, as relates to the Election of one Member of Assembly for the said County, shall be and is hereby declared to be repealed.

Passed December 24, 1774.

C A P. III.

An ACT for the Relief of *Henry William Stiegel*, a languishing Prisoner in the Goal of *Philadelphia* County, with respect to the Imprisonment of his Person.

Passed December 24, 1774.—Private Act.

C A P. IV.

An ACT to prevent Frauds in the packing and preserving of Shad and Herring for Exportation.

WHEREAS the Exportation of Shad and Herring to foreign Markets is likely to become a considerable Branch of the Trade of this Province, and it is therefore necessary that they be packed and salted in sound and merchantable Casks, and undergo the Inspection of some judicious Person, before they are suffered to be exported; BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esquire, Governor and Commander in Chief of the Province of *Pennsylvania*, by and with the Consent and Advice of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Shad and Herring, designed for Exportation, from and after the First Day of *March* next ensuing the Publication of this Act, shall be sound and merchantable, well packed and well secured, with a proper Quantity of Salt and Pickle, in tight Casks, made of good, sound, well seasoned White Oak Timber, which shall contain as follows, *to wit*, the Barrel Thirty-one Gallons and an Half, Wine Measure, and the Half-Barrel Sixteen Gallons.

II. *AND be it further enacted by the Authority aforesaid*, That every Person who shall pack, or cause to be packed or cured, any Shad or Herring for Sale, shall cause his Brand Mark, containing the initial Letter of his Christian Name, and his Surname at length, to be branded in a plain distinct Manner on every Cask by him so packed for Sale, under the Penalty of *Five Shillings*.

III. *AND be it enacted by the Authority aforesaid*, That no Merchant or Person whatsoever shall lade or ship any Shad or Herring for Exportation out of this Province, before he shall first submit the same to the View and Examination of the Officer or his Deputy, appointed by the Direction of this Act, who shall search the same by opening, unpacking and repacking thereof, in order to judge of the Soundness and true Package of the Shad and Herring, as well as the Contents of the Cask; and if the said Officer, or his Deputy, shall find the said Shad or Herring to be merchantable, and the Casks to contain, the Barrel Thirty-one Gallons and an Half, and the Half Barrel Sixteen Gallons, and made of sound, well seasoned Timber, according to the Directions of this Act, he shall, after packing, or repacking and heading, brand every such Barrel and Half Barrel on the Quarter with a Provincial Brand Mark, which the said Officer shall have and provide for that Purpose, sufficient to impress, in a fair and distinguishable Manner, the Arms of the Province of *Pennsylvania*, as in the Margin.



Disputes concerning the Soundness or Package, &c. how to be determined.

IV. *PROVIDED* always *nevertheless*, That if any Dispute shall happen between the said Officer and Possessor of such Shad or Herring, concerning the Soundness or Package of the same, or the Soundness or Contents of the Cask, it shall be lawful for any Magistrate of the City or County where the said Dispute arises, upon Application to him made, and he is hereby required to issue his Warrant to two indifferent judicious Persons of Skill and Integrity, to view and search the said Shad or Herring, together with the Cask in which they are contained, and make Report forthwith according as they find the same, and the said Magistrate is hereby impowered and required to give Judgment accordingly: And in case the said Shad or Herring shall be found unfit for Exportation, the said Magistrate shall order them not to be exported, under the Penalty of forfeiting all such Shad or Herring; and shall also award the Owner or Possessor to pay the said Officer *Two Shillings and Six-pence per Cask*, for all such Shad or Herring as shall be judged not fit for Exportation as aforesaid, with reasonable Charges; but in case the said Shad or Herring, upon Trial, shall be found good and merchantable, according to the Directions of this Act, the Charges of Prosecution shall be paid by the Officer.

Officer's Fee for packing, &c.

V. *AND* be it enacted by the Authority aforesaid, That the Officer hereafter appointed, or to be appointed, or his Deputy, shall have and receive for the viewing, searching and packing, repacking, heading and branding of every Barrel of Shad or Herring *Eighteen-pence*, and for every Half Barrel *One Shilling*, and no more; to be paid, one Half by the Buyer or Shipper, and the other Half by the Seller.

Officer impowered to enter Ships, &c.

VI. *AND* be it enacted by the Authority aforesaid, That the said Officer, or his Deputy, shall have full Power and Authority, by Virtue of this Act, and without any further or other Warrant, to enter on board any Ship, Sloop or Vessel whatsoever, lying or being in any Port or Place in this Province, to search for and make Discovery of any Shad or Herring shipped for Exportation; and if the Owner or Possessor, or their Servants or others, shall deny him or them Entrance, or if the said Officer, or his Deputies, shall be any Way molested in making such Discovery as aforesaid, every such Person shall forfeit and pay the Sum of *Ten Pounds*; or if any Person shall ship off any Cask or Casks of Shad or Herring, not branded with the Provincial Brand Mark as aforesaid, every such Person so offending shall forfeit and pay the Sum of *Ten Shillings* for every Cask so shipped.

Penalty on Officer's trading in Shad or Herring.

VII. *PROVIDED* always, That the Officer herein appointed, his Deputies, or any other Person or Persons, to be appointed in their or either of their Places or Stead, shall not, during his or their Office, by him or themselves, or by any other Person to his or their Use, or by his or their Procurement, vend, barter, sell, exchange or trade in Shad or Herring, under the Penalty of *Fifty Pounds*. And the Person or Persons, duly convicted of any such Offence against this Act, shall be and are hereby disabled from acting thereafter in their respective Offices.

William Milnor appointed the Officer;

VIII. *AND* be it further enacted by the Authority aforesaid, That *William Milnor* shall be and is hereby appointed the said Officer for viewing, searching, packing or repacking, and branding as aforesaid all Shad or Herring intended for Exportation, according to the Directions of this Act. And if the said *William Milnor*, or other Person hereafter appointed to be the Officer aforesaid, shall by any Accident be rendered incapable, or neglect to execute the said Office, or shall die, then and so often, and from Time to Time, it shall and may be lawful to and for the Mayor, together with any two Aldermen of the City of *Philadelphia*, to supply his Place by some other fit and capable Person, who shall thereupon be the Officer for putting this Act in Execution, until the End of the next Sitting of the Assembly, and no longer. But before the said *William Milnor*, or any other Person so to be appointed the Officer aforesaid, shall do any Thing in the Execution of his Office, he shall first make Oath or Affirmation, before any Justice of the Peace of any County in this Province, faithfully and impartially to perform his Duty and Trust, to the best of his Capacity, according to the Direction of this Act.

who is to make Oath or Affirmation,

IX. *AND*

IX. *AND be it enacted by the Authority aforesaid*, That the said *William Milnor*, or other Person appointed the Officer aforesaid, is hereby impowered to appoint Deputies in the respective Counties of *Philadelphia*, *Bucks* and *Chester* (for whom he or they shall be accountable) which said Deputies are hereby fully impowered to act as Deputy Officers for the viewing, searching, packing and branding of Shad and Herring, in Manner aforesaid, in their respective Counties, to all Intents and Purposes, as fully as the said *William Milnor* could do by Virtue of this Act, and shall take the like Oath or Affirmation as their Principal is hereby directed to take, previous to their entering on the Execution of their said Offices. and may appoint Deputies.

X. *AND be it enacted by the Authority aforesaid*, That if any Person or Persons shall counterfeit the said Provincial Brand Mark, or impress or brand such Counterfeit on any Cask of Shad or Herring, he, she or they, being thereof legally convicted, shall for the first Offence forfeit and pay the Sum of *Fifty Pounds*, and for the second and every other such Offence, the Offender shall be committed to Goal, and sentenced to the Pillory, there to stand one Hour on a Market Day in any City, Borough or Town of the respective Counties aforesaid, where the Fact shall be committed. Penalty on counterfeiting the Brand Mark.

XI. *AND be it enacted by the Authority aforesaid*, That all and singular the Fines, Forfeitures and Penalties, in and by this Act set and appointed, shall be paid, one Half thereof to the Informer or Person who shall sue for the same, and the other Half to the Overseers of the Poor of the City, Township or Place, where the Offence shall be committed; and shall be recovered, if they do not exceed *Five Pounds*, as Debts not exceeding *Five Pounds* are usually recovered; and if above *Five Pounds*, shall be sued for and recovered by Bill, Plaint or Information, in any Court of Record within this Province, wherein no Essoin, Protection or Wager of Law, nor any more than one Impar lance, shall be allowed. Appropriation of the Fines, and how to be recovered.

Passed December 24, 1774.

C A P. V.

An ACT for the Relief of *John Burrows*, a languishing Prisoner in the Goal of *Philadelphia* County, and *William Waters*, a languishing Prisoner in the Goal of *Bucks* County, with respect to the Imprisonment of their Persons.

Passed December 24, 1774.—Private Act.

C A P. VI.

An ACT to suppress the disorderly Practice of firing Guns, &c. on the Times therein mentioned.

WHEREAS a disorderly Practice prevails in many Parts of this Province, of firing Guns at or near New-Year's Day, which is frequently attended with much Mischief, and greatly disturbs the public Peace: For Remedy whereof for the future, BE IT ENACTED by the Honourable JOHN PENN, Esq; Governor and Commander in Chief of the Province of *Pennsylvania*, by and with the Consent and Advice of the Representatives of the Free-men of the said Province, in General Assembly met, and by the Authority of the same, That if, after the Publication of this Act, any Person or Persons shall, on any Thirty-first Day of *December*, or First or Second Day of *January* in every Year, wantonly and without reasonable Occasion, discharge and fire off any Hand-Gun, Pistol or other Fire Arms, or shall cast, throw, or fire any Squibs, Rockets or other Fire-Works, within the inhabited Parts of this Province, to the Disturbance of any of his Majesty's Subjects there inhabiting and being, every such Person so offending, and being thereof convicted before any one Justice of the Peace of the County, or Mayor or other Head Officer, a Justice of Peace of any City or Town corporate where such Offence shall be committed, either by Confession of the Party so offending, or the Oath or Affirmation of one or more credible Witnesses (which Oath or Affirmation the said Justice or other Officer aforesaid is hereby impowered and required to administer) shall for every such Offence forfeit, for the Use of the Poor of the Township or District where such Offender lives, the Sum of *Ten Shillings*, to be levied by Distress and Sale of Penalty on Persons discharging any Gun, &c. on the 31st of December, &c.

of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of the Justice or other Officer before whom such Offender shall be convicted, returning the Overplus, if any, to the Owner, the reasonable Charge of distraining being first deducted; and for Want of such Distress, such Offender shall be committed to Prison for the Space of five Days, without Bail or Main-prize.

Penalty on Housekeepers permitting Guns, &c. to be fired off at their Houses.

II. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons, after the Publication of this Act, shall willingly permit or suffer, within the Time aforesaid, any Person or Persons to discharge or fire off, at his or her House, any Hand-Gun, Pistol, or other Fire-Arms, or to cast, throw or fire any Squibs, Rockets, or other Fire-Works as aforesaid, every Person so as aforesaid offending, and being thereof convicted in Manner aforesaid, shall for every such Offence forfeit and pay, for the Use aforesaid, the Sum of *Twenty Shillings*, to be recovered in Manner aforesaid.

Constables having Knowledge of any Offences against this Act, to present the same on Oath or Affirmation.

III. *AND be it further enacted by the Authority aforesaid*, That the Constable of each respective City, Borough, Township or Place, in every County of this Province, having any Knowledge of any Offences against this Act, shall, and he is hereby required, under the Penalty of *Twenty Shillings*, to present, on Oath or Affirmation, every such Offence to one of the next Justices of the Peace of their respective Counties, or before the Justices of the General Quarter Sessions of the Peace for the same County, together with the Name or Names of all such Offenders, that they may be tried agreeable to the Directions of this Act.

Persons aggrieved may appeal, &c.

IV. *PROVIDED always*, That if any Person shall conceive him or herself aggrieved by the Judgment of any such Justice, he or she may appeal to the next County Court of Quarter Sessions of the said County, who shall, on the Petition of the Party, take such Order therein as to them shall appear just and reasonable, and the same shall be conclusive to all Parties.

Limitation of Prosecution.

V. *PROVIDED always*, That no Person or Persons shall be prosecuted or troubled for any Offence against this Act, unless the same be prosecuted within Four Months after the Offence committed.

Passed December 24, 1774.

C A P. VII.

A SUPPLEMENT to the Act, intituled, *An Act for acknowledging and recording of Deeds.*

Preamble.

WHEREAS by the different and secret Ways of conveying Lands, Tenements and Hereditaments, such as are ill disposed have it in their Power to commit Frauds, by Means whereof divers Persons may be injured in their Purchases and Mortgages by prior and secret Conveyances, and fraudulent Incumbrances: For Remedy whereof, BE IT ENACTED by the Honourable JOHN PENN, Esquire, Governor and Commander in Chief of the Province of *Pennsylvania*, by and with the Consent and Advice of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Deeds and Conveyances, which, from and after the Publication hereof, shall be made and executed within this Province, of or concerning any Lands, Tenements or Hereditaments, in this Province, or whereby the same may be any Way affected in Law or Equity, shall be acknowledged by one of the Grantors or Bargainors, or proved by one or more of the subscribing Witnesses to such Deed, before one of the Judges of the Supreme Court, or before one of the Justices of the Court of Common Pleas of the County where the Lands conveyed lie, and shall be recorded in the Office for recording of Deeds in the County where such Lands or Hereditaments are lying and being, within Six Months after the Execution of such Deeds or Conveyances; and that every such Deed and Conveyance, that shall at any Time after the Publication hereof be made and executed, and which shall not be proved and recorded as aforesaid, shall be adjudged fraudulent, and void against any subsequent Purchaser or Mortgagee for valuable Consideration, unless such Deed or Conveyance be recorded as aforesaid, before the proving and recording of the Deed or Conveyance under which such subsequent Purchaser or Mortgagee shall claim.

Deeds and Conveyances of Lands, &c. to be acknowledged or proved before one of the Judges of the Supreme Court, or Justices of Common Pleas, and recorded within six Months, &c.

II. *AND*

II. *AND be it further enacted by the Authority aforesaid*, That all such Deeds, &c. made out of this Province, and acknowledged or proved, to be recorded within 12 Months, &c. Deeds and Conveyances, which shall be made and executed out of this Province, after the Publication of this Act, and acknowledged or proved in Manner as directed by the Laws heretofore for that Purpose made, or proved by one or more of the subscribing Witnesses, before any Supreme Judge of this Province, shall be recorded in the Office for the recording of Deeds in the County where the Lands and Hereditaments specified in such Deed or Deeds do lie, within the Space of Twelve Months after the Execution thereof, otherwise every such Deed or Conveyance shall be adjudged fraudulent, and void against any subsequent Purchaser or Mortgagee for valuable Consideration, unless such Deed or Conveyance be recorded as aforesaid, before the proving and recording of the Deed or Conveyance under which such subsequent Purchaser or Mortgagee shall claim.

III. *PROVIDED always, and be it further enacted by the Authority aforesaid*, That this Act shall not extend to any Lease not exceeding Twenty-one Years, where the actual Possession and Occupation go along with the Lease, any Thing in this Act to the contrary notwithstanding. Leases not exceeding 21 Years excepted.

IV. *AND* whereas there is no Provision made by the Act to which this is a Supplement, for the proving Deeds or Conveyances, where the Grantors and the Witnesses are deceased: For Remedy whereof, *Be it enacted by the Authority aforesaid*, That from and after the Publication of this Act, where the Grantors and Witnesses of any Deed or Conveyance are deceased, or cannot be had, it shall and may be lawful to and for any of the Justices of the Supreme Court, or any Justice of the Court of Common Pleas of the County where the Lands lie, to take the Examination of any Witness or Witnesses, on Oath or Affirmation, to prove the Hand-writing of such deceased Witness or Witnesses, or where such Proof cannot be had, then to prove the Hand-writing of the Grantor or Grantors, which shall be certified by the Justice before whom such Proof shall be made, and such Deed or Conveyance, being so proved, shall be recorded as is usual in other Cases directed by the said Act. Where Grantors and Witnesses are deceased, Proof to be made of the Hand-writing of such Witnesses, &c.

V. *AND* whereas the Fees for recording Deeds and other Conveyances, as settled by the Laws now in Force, are not equal to the Trust, Labour and Expence of the Officers, *Be it therefore enacted by the Authority aforesaid*, That from and after the Publication of this Act the said Recorders, and the Master of the Rolls-Office, respectively, shall have and receive for recording, and for copying or exemplifying all Laws, Deeds, Conveyances and Writings, entered in the said Office, *Three Farthings* for every Line containing not less than twelve Words; and for every Search *One Shilling*; and for every acknowledging Satisfaction in the Margin of a Mortgage, recorded as aforesaid, *One Shilling*; and shall have and receive for affixing the Seal to every Exemplification, *One Shilling and Six-pence*; and for the Seal of Office, and Indorsement of Certificate on each Deed acknowledged, and his Hand thereto, *One Shilling and Six-pence*. Officers Fees for recording, &c.

VI. *AND be it further enacted by the Authority aforesaid*, That every Recorder of Deeds in this Province shall keep a fair Book, in which he shall immediately make an Entry of every Deed or Writing brought into his Office to be recorded, mentioning therein the Date, the Parties, and the Place where the Lands, Tenements or Hereditaments, granted or conveyed by the said Deed or Writing, are situate, dating the same Entry on the Day in which such Deed or Writing was brought into his Office, and shall record all such Deeds and Writings in regular Succession, according to their Priority of Time in being brought into the said Office; and shall also immediately give a Receipt to the Person bringing such Deed or Writing to be recorded, bearing Date on the same Day with the Entry, containing the Abstract aforesaid; for which Entry and Receipt he shall take or receive no Fee or Reward whatever. And if any Recorder of Deeds within this Province shall record any Deed or Writing before another first brought into his Office to be recorded, or in any other Manner than is herein directed, or shall neglect or refuse to make such an Entry, or to give such a Receipt, as is herein before directed, or shall, directly or indirectly, take or receive any Fee or Reward for such Entry and Receipt, or either of them, he shall forfeit and pay, for every such Offence, *One Hundred Pounds*, lawful Money of this

this Province; one Half to the Governor, for the Support of Government, and the other Half to him or them that shall sue for the same, to be recovered in any Court of Record within this Province, by Action of Debt, Bill or Plaint, wherein no Effoin, Protection or Wager of Law, or more than one Imparlance, shall be allowed.

Recorders to
give Security.

VII. *AND be it further enacted by the Authority aforesaid*, That the Recorders of Deeds of the several Counties of this Province shall, on or before the First Day of *August* next, become bound to the Governor of this Province for the Time being in Bonds, with one or more sufficient Securities, as follows, *to wit*.

The Recorder for the County of *Philadelphia* in the Sum of *Fifteen Hundred Pounds*.

The Recorder for the County of *Bucks* in the Sum of *Six Hundred Pounds*.

The Recorder for the County of *Chester* in the Sum of *Eight Hundred Pounds*.

The Recorder for the County of *Lancaster* in the Sum of *Eight Hundred Pounds*.

The Recorder for the County of *York* in the Sum of *Five Hundred Pounds*.

The Recorder for the County of *Cumberland* in the Sum of *Five Hundred Pounds*.

The Recorder for the County of *Berks* in the Sum of *Five Hundred Pounds*.

The Recorder for the County of *Northampton* in the Sum of *Five Hundred Pounds*.

The Recorder for the County of *Bedford* in the Sum of *Three Hundred Pounds*.

The Recorder for the County of *Northumberland* in the Sum of *Three Hundred Pounds*.

The Recorder for the County of *Westmoreland* in the Sum of *Three Hundred Pounds*.

Their Bonds
to be filed in
the Secretary's
Office,
&c.

Which said Bonds shall severally be conditioned for the true and faithful Execution of their several and respective Offices, and for delivering up the Records and other Writings, belonging to the said respective Offices, whole, safe and undefaced, to their Successors in Office; which said respective Bonds shall be filed in the Secretary's Office, and there be safely kept, in order to be made Use of for making Satisfaction to the Parties that shall be damnified or aggrieved, in the same Manner as the Bonds given by the Sheriffs of the several Counties are by Law directed to be made Use of, sued, prosecuted and applied.

Part of the
former Act
repealed.

VIII. *AND be it further enacted by the Authority aforesaid*, That so much of the Act to which this is a Supplement, as relates to the Fees to be taken by the several Recorders, and the Securities to be by them given, or is altered and supplied by this Act, shall be, and the same is hereby declared to be repealed, and made null and void.

Passed March 18, 1775.

C A P. VIII.

A SUPPLEMENT to the Act, intituled, *An Act for erecting a new Goal, Work-House and House of Correction, in the City of Philadelphia*.

Preamble.

WHEREAS, in and by the Act of Assembly, intituled, *An Act for erecting a new Goal, Work-House and House of Correction, in the City of Philadelphia*, it is enacted, " That it shall and may be lawful to and for the
" Commissioners for the County of *Philadelphia* to borrow, on Interest, from
" any Person or Persons, Bodies Politic or Corporate, who shall be willing to
" lend, any Sum or Sums of Money which they shall think sufficient and necessary for the Purpose of purchasing (with the Approbation of the Mayor
" and Recorder of the City of *Philadelphia*, and any two Justices of the County
" Court of Quarter Sessions for the County of *Philadelphia*) a Lot of Ground
" in

“ some convenient Part of the said City, and erecting thereon a commodious, strong and sufficient Goal, Work-House and House of Correction.” And whereas, in and by the said recited Act, the said Commissioners were impowered and required to sell the Lot or Piece of Ground on which the present Goal, Work-House and House of Correction now stand, with the Buildings thereon erected, to any Person or Persons who should be willing to purchase the same; and, upon Receipt of the Purchase-Money, to pay the Sums so borrowed, with the Interest then due; and if the Sale of the said Lot and Buildings should not produce Money sufficient for the Purposes aforesaid, such Deficiency should be paid and satisfied by a just and rateable Tax or Assessment, to be laid, assessed and levied on all Estates, real and personal, within the said City and County. And whereas the said Commissioners have represented to the Assembly, that in Pursuance of the Powers given them by the said recited Act, they have already borrowed on Interest about the Sum of *Thirteen Thousand Pounds*, and that it will require about *Twelve Thousand Pounds* more to compleat the building of the said New Goal, Work-House and House of Correction; that it would be distressing and grievous to the Inhabitants of the said City and County to pay by Tax the Sums already borrowed, and to be borrowed, with the lawful Interest growing thereupon, inasmuch as the paying only the Interest out of the County Levy will reduce the same so low, as to prevent the Commissioners from performing many Services, necessary for the said County: For Remedy whereof, BE IT ENACTED by the Honourable JOHN PENN, Esq; Governor and Commander in Chief of the Province of *Pennsylvania*, by and with the Consent and Advice of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That Bills of Credit, to the Value of *£ 25,000* to be struck in Bills of Credit. *Twenty-five Thousand Pounds*, shall be prepared and printed, within Three Months after the Passing of this Act, on good strong Paper, under the Care and Direction of *Isaac Pearson, George Gray, Michael Hillegas, and Joseph Parker*, the Charges whereof shall be paid by the County Treasurer, out of the Monies in his Hands by Virtue of the Act, intituled, *An Act for raising County Rates and Levies*; which Bills of Credit shall be made and prepared in the Manner and Form following, *viz.*

“ ————— according to an Act of General Assembly of *Pennsylvania*, passed in the Fifteenth Year of the Reign of His Majesty *GEORGE the Third*. Dated the Tenth Day of April, Anno Domini One Thousand Seven Hundred and Seventy-five.” Form of the Bill.

II. AND the said Bills shall have such like Escutcheons as in the Margin hereof, with such other Devices as the said *Isaac Pearson, George Gray, Michael Hillegas, and Joseph Parker*, shall think proper, as well to prevent Counterfeits, as to distinguish their several and respective Denominations; each of which Bills shall be of the several and respective Denominations following, and no other; that

is to say,

THREE Thousand Three Hundred and Thirty-three of the same Bills, the Sum of *Five Pounds* in each of them. Their Denominations.

AND *Three Thousand Three Hundred and Thirty-four* of the same Bills, the Sum of *Fifty Shillings* in each of them.

III. AND the said *Isaac Pearson, George Gray, Michael Hillegas, and Joseph Parker*, shall use their best Care, Attention and Diligence, during the Printing of the said Bills, that the Amount thereof, according to the respective Denominations aforesaid, be not exceeded, nor any clandestine or fraudulent Practice used by the Printer, his Servants, or others concerned therein. Care to be taken that the Number of Bills be not exceeded, &c.

IV. AND for perfecting the said Bills, according to the true Intent and Meaning of this Act, Be it enacted by the Authority aforesaid, That all and every of the said Bills shall be signed by the Persons herein after-mentioned; that is to say, by *Lindsay Coates, Job Bacon, and Edward Roberts*, who are hereby nominated and appointed to be Signers of the said Bills, and shall, before they receive or sign any of them, take an Oath or Affirmation to the Effect following, *viz. That they shall well and truly sign and number all the Bills that shall come to their* Signers Names,

and Qualification.

their Hands for that Purpose by the Direction of this Act; and the same, so signed and numbered, will deliver, or cause to be delivered, unto the said Isaac Pearson, George Gray, Michael Hillegas, and Joseph Parker, or any three of them, pursuant to the Direction of this Act.

Committee of Assembly to deliver the Bills to the Signers, in Parcels, who are to give Receipts for the same, &c.

V. AND for avoiding the Danger of Embezzlement or Misapplication of the said Bills of Credit, *Be it enacted by the Authority aforesaid*, That the said *Isaac Pearson, George Gray, Michael Hillegas, and Joseph Parker*, or any three of them, after the said Bills shall be printed, shall deliver them to the Signers aforesaid, to be signed and numbered, by Parcels, for which the said Signers, or some of them, shall give their Receipt; that is to say, *Two Thousand Pounds* Value in the said Bills to them at one Time, and so from Time to Time, until all the said Bills of Credit shall be signed and numbered, in such Manner, that not more than the Value of *Two Thousand Pounds* shall remain in such Signers Hands at one Time; of all which said Bills of Credit, so delivered to be signed, a true Account shall be kept by the Signers, who, upon the Re-delivery of each or any Parcel of the said Bills by them signed and numbered, shall take the Receipt of the said *Isaac Pearson, George Gray, Michael Hillegas, and Joseph Parker*, or any three of them, to charge them before any Committee of Assembly to be appointed for that Purpose.

Allowance to Signers, &c.

VI. AND each of the said Signers shall receive *Ten Shillings* for every Thousand of the said Bills by them signed and numbered; and each of the said *Isaac Pearson, George Gray, Michael Hillegas, and Joseph Parker*, shall have and receive for their Trouble, the Sum of *Ten Shillings per Diem*.

Bills, when signed, to be delivered to the Commissioners of the County of Philadelphia, &c.

VII. *AND be it further enacted by the Authority aforesaid*, That as soon as the said Bills shall be printed, signed and numbered, the said *Isaac Pearson, George Gray, Michael Hillegas, and Joseph Parker*, or any three of them, shall deliver them to the Commissioners of the County of *Philadelphia* for the Time being, who shall, in the first Place, pay off and discharge all such Certificates as have been drawn and delivered to such Person or Persons, Bodies Politic or Corporate, as have lent Money for the Purposes aforesaid, and afterwards pay for such Materials and Workmanship, as will be necessary for completing the said Goal, Work-House and House of Correction. And if any Overplus shall remain, after completing the said Goal, Work-House and House of Correction, the said Commissioners are hereby enjoined and required to pay the same into the Hands of such Committees of Assembly, as shall be appointed to settle the public Accounts, to be by them burnt and destroyed; and the Overplus so sunk shall be allowed by the said Committees of Assembly, in Abatement of the Taxes to be assessed, raised and levied, in and by the Directions of this Act.

Counterfeiters or Utters of counterfeit Bills, to suffer Death.

VIII. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall presume to counterfeit any of the said Bills of Credit, made and issued by Virtue of this Act, by printing, or procuring the same to be printed, in the Likeness or Similitude of the said Bills of Credit, or if any Person or Persons shall forge the Name or Names of the Signers of the said true Bills of Credit to such counterfeit Bills, whether the counterfeiting of the said Bills of Credit, or Names, be done within this Province or elsewhere, or shall utter such Bills, knowing them to be counterfeited as aforesaid, and being thereof legally convicted by Confession, standing mute, or by the Verdict of twelve Men, in any Court of Oyer and Terminer within this Province, he, she or they shall suffer Death, without Benefit of Clergy; and the Discoverer or Informer shall have, as an Encouragement to his Discovery, the Sum of *Fifty Pounds*, of the Value of the Goods and Chattels, Lands and Tenements, of the Person or Persons convicted; and if no such Goods and Chattels, Lands and Tenements, can be found, the Sum of *Ten Pounds*, to be paid by the County Treasurer. And if any Person or Persons shall counterfeit any of the said Bills of Credit, by altering the Denomination thereof, with Design to increase the Value of the said Bills, or shall utter such Bills, knowing them to be counterfeited or altered, and shall thereof be legally convicted in any Court of Quarter Sessions of the Peace within this Province, every such Person and Persons shall be sentenced to the Pillory, have both his or her Ears cut off, and nailed to the Pillory, and be publicly whipped on his or her bare Back with Thirty-nine Lashes well laid on:

Discoverer's Reward.

Persons altering Bills, how punished, &c.

And

And moreover, every such Offender shall forfeit the Sum of *One Hundred Pounds*, to be levied on his or her Lands, Tenements, Goods and Chattels, one Half thereof to the Use of the Governor, and the other Half to the Discoverer; and the Offender shall pay to the Party grieved double the Value of the Damages thereby sustained, together with the Costs and Charges of the Prosecution; and in case the Offender shall not have sufficient to satisfy such Discoverer for his or her Damages, and pay the Forfeiture aforesaid, he or she shall be sold for any Term not exceeding Seven Years, to make such Satisfaction; and in such Case, the said Discoverer shall be paid by the County Treasurer the Sum of *Ten Pounds*; and every such counterfeit Bill shall be delivered to the said Treasurer, to be made Use of upon the Trial of the Person accused or suspected, and afterwards to be burnt, sunk and destroyed, in the Presence of a Committee of Assembly.

IX. AND for the more certain sinking and discharging the said Bills of Credit hereby emitted, *Be it enacted by the Authority aforesaid*, That the said Commissioners shall, and they are hereby enjoined and required to grant, bargain and sell the said Lot or Piece of Ground, on which the old Goal, Work-house and House of Correction now stand, with the Buildings thereon erected, in the Manner ordered and prescribed in and by the said recited Act, for the greatest Sum or Sums of Money that can be procured for the same, and the Money arising upon such Sale shall be paid into the Hands of the County Treasurer, who shall, and he is hereby enjoined and required to pay off, discharge and redeem so many of the said Bills of Credit, hereby directed to be emitted, as the said Sales shall amount to; but in case the said Commissioners shall not be able, by the Sale of the said old Goal, Work-house and House of Correction, to pay off and discharge all the said Bills of Credit, that then, and in such Case, the Deficiency shall be paid and satisfied by a just and rateable annual Tax or Assessment of *Sixpence* in every *Pound*, to be laid, assessed and levied, from and after the First Day of *October*, in the Year One Thousand Seven Hundred and Seventy-six, on all Estates, real and personal, within the said City and County, by the same Persons, under the same Pains and Penalties, to be recovered in the same Manner, as other County Rates and Taxes are or shall be laid, assessed and levied, agreeable to the Directions of the Act of General Assembly, passed in the Eleventh Year of His late Majesty GEORGE the First, intituled, *An Act for raising of County Rates and Levies*, except only so much thereof as relates to single Freemen; and that the Sum of *Ten Shillings* be annually assessed and levied upon every single Freeman within the said City and County; and when so levied, to be paid to the said County Treasurer, to be by him applied to the Payment and Discharge of the Residue of the said Bills of Credit.

Manner of
sinking the
Bills.

X. AND *be it enacted by the Authority aforesaid*, That the said Treasurer, upon such Payment and Discharge of every of the said Bills of Credit, shall receive the same of the respective Bearers, and yearly, as they come to his Hands, deliver them over to such Committee of Assembly for the Time being, as shall be appointed to settle the public Accounts, to be by them burnt, sunk and destroyed. And that the said Treasurer shall have and receive, for his Trouble in receiving and paying the said Bills, *Ten Shillings* for every *Hundred Pounds* he shall so receive and pay to the said Committee of Assembly.

Treasurer to
deliver the
Bills yearly
to the Com-
mittee of As-
sembly.

XI. AND *be it further enacted by the Authority aforesaid*, That so much of the said first recited Act of General Assembly, as is hereby altered and supplied, shall be, and is hereby declared to be repealed, made null and void, and that the Residue thereof shall be and remain in full Force and Virtue, to all Intents and Purposes, as if this Act had never been made.

Part of the
former Law
repealed.

Passed March 18, 1775.

C A P. IX.

A SUPPLEMENT to the Act, intituled, *An Act appointing Wardens for the Port of Philadelphia, and for other Purposes therein mentioned.*

Preamble.

WHEREAS the Wardens of the Port of *Philadelphia* have represented to the Assembly, that in Pursuance of the Act of General Assembly of this Province for appointing Wardens for the Port of *Philadelphia*, and for other Purposes therein mentioned, they have discharged the Debts due for building a Light-House at *Cape-Henlopen*, compleated several Piers, and formed a safe and commodious Harbour at *Fort-Island*; and have also sunk three Piers at *Reedy-Island*, by which the Money struck by Virtue of the aforesaid Act has been expended: That the Sum of *Six Thousand Pounds* is still wanting, to compleat a further Number of convenient Piers for the more perfect Security of the Navigation of the Bay and River of *Delaware*, and for the Improvement of the Commerce of the Province, BE IT THEREFORE ENACTED by the Honourable JOHN PENN, Esq; Governor and Commander in Chief of the Province of *Pennsylvania*, by and with the Consent and Advice of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That Bills of Credit, to the Value of *Six Thousand Pounds*, shall be prepared and printed within Three Months after the Passing of this Act, on good strong Paper, under the Care and Direction of *George Gray, Michael Hillegas, Isaac Pearson, and Joseph Parker*, Esquires, the Charges whereof shall be paid by the Provincial Treasurer, out of the Monies in his Hands arising by the Duty of Tonnage, to be levied by this Act, which Bills of Credit shall be made and prepared in the Manner and Form following, viz.

£ 6,000 to
be struck in
Bills of Credit.

Form of the Bill.

_____ according to an Act of General Assembly of *Pennsylvania*, passed in the Thirteenth Year of the Reign of His Majesty *GEORGE the Third*. Dated the Twenty-fifth Day of March, One Thousand Seven Hundred and Seventy-five.

II. AND the said Bills shall have such like Escutcheons as in the Margin hereof, with such other Devices as the said *George Gray, Michael Hillegas, Isaac Pearson, and Joseph Parker*, shall think proper, as well to prevent Counterfeits, as to distinguish their several and respective Denominations; each of which Bills shall be of the several and respective Denominations following, and no other, that is to say,



Their several Denominations.

THREE Thousand of the same Bills, the Sum of *Four Shillings* in each of them.

THREE Thousand of the same Bills, the Sum of *Six Shillings* in each of them.

THREE Thousand of the same Bills, the Sum of *Fourteen Shillings* in each of them.

THREE Thousand of the same Bills, the Sum of *Sixteen Shillings* in each of them.

Care to be taken that the Number of Bills be not exceeded, &c.

III. AND the said *George Gray, Michael Hillegas, Isaac Pearson, and Joseph Parker*, shall use their best Care, Attention and Diligence, during the printing of the said Bills, that the Amount thereof, according to their respective Denominations aforesaid, be not exceeded, nor any clandestine or fraudulent Practice used by the Printer, his Servants, or others concerned therein.

Signers Names;

IV. AND for perfecting the said Bills according to the true Intent and Meaning of this Act, Be it enacted by the Authority aforesaid, That all and every of the said Bills shall be signed by any three of the Persons herein after-mentioned, that is to say, *James Wharton, Richard Vaux, Ezekiel Edwards, William Wisbart, Charles Wharton, and Samuel Coates*, who are hereby nominated and appointed to be Signers of the said Bills, and shall, before they receive or sign any of them, take an Oath or Affirmation to the Effect following,

viz.

*viz. That they shall well and truly sign and number all the Bills, that shall come to and Qualifi-
their Hands for that Purpose by the Directions of this Act; and the same, so signed cation.
and numbered, will deliver, or cause to be delivered, unto the said George Gray,
Michael Hillegas, Isaac Pearson, and Joseph Parker, or any two of them, pur-
suant to the Direction of this Act.*

V. AND for avoiding the Danger of Embezzlement or Misapplication of the said Bills of Credit, *Be it enacted by the Authority aforesaid,* That the said *George Gray, Michael Hillegas, Isaac Pearson, and Joseph Parker,* or any two of them, after the said Bills shall be printed, shall deliver them to the Signers aforesaid, to be signed and numbered, by Parcels, for which the said Signers, or some of them, shall give their Receipt; that is to say, *Two Thousand Pounds* Value in the said Bills to any three of them at any one Time, and so from Time to Time, until all the said Bills of Credit shall be signed and numbered, in such Manner that not more than the Value of *Two Thousand Pounds* shall remain in such Signers Hands at one Time; of all which said Bills of Credit, so delivered to be signed, a true Account shall be kept by the Signers, who, upon their Redelivery of each or any Parcel of the said Bills by them signed and numbered, shall take the Receipt of the said *George Gray, Michael Hillegas, Isaac Pearson, and Joseph Parker,* or any two of them, to charge them before any Committee of Assembly to be appointed for that Purpose. Committee of Assembly to deliver the Bills to the Signers in Parcels, who are to give Receipts for the same, &c.

VI. AND each of the Signers shall receive *Ten Shillings* for every Thousand of the said Bills by them signed and numbered; and each of the said *George Gray, Michael Hillegas, Isaac Pearson, and Joseph Parker,* shall have and receive for their Trouble *Ten Shillings per Diem*; and the Provincial Treasurer, for paying and receiving the said Bills of Credit, shall have and receive *Ten Shillings* for every *Hundred Pounds*, and no more, to be paid and discharged by the said Treasurer, out of the Monies in his Hands arising by the Duties of Tonnage, to be levied by Virtue of this Act. Allowance to Signers, &c.

VII. *AND be it further enacted by the Authority aforesaid,* That as soon as the said Bills shall be signed, numbered and perfected, the said *George Gray, Michael Hillegas, Isaac Pearson, and Joseph Parker,* or any two of them, shall deliver them to the Provincial Treasurer, and take his Receipt or Receipts for the same, who shall therewith pay off and discharge all such Draughts and Orders, as may be drawn on him by the said Wardens of the Port of *Philadelphia*, for the Purposes mentioned in this Act. Bills, when signed, to be delivered to the Provincial Treasurer, &c.

VIII. *AND be it further enacted by the Authority aforesaid,* That if any Person or Persons shall presume to counterfeit any of the said Bills of Credit, made and issued by Virtue of this Act, by printing, or procuring the same to be printed, in the Likeness or Similitude of the said Bills of Credit, or if any Person or Persons shall forge the Name or Names of the Signers of the said true Bills of Credit to such counterfeit Bills, whether the counterfeiting of the said Bills of Credit, or Names, be done within this Province or elsewhere, or shall utter such Bills, knowing them to be counterfeited as aforesaid, and being thereof legally convicted, by Confession, standing mute, or by the Verdict of Twelve Men, in any Court of Oyer and Terminer within this Province, he, she or they shall suffer Death, without Benefit of Clergy; and the Discoverer or Informer shall have, as an Encouragement to his Discovery, the Sum of *Fifty Pounds*, to be levied on the Goods and Chattels, Lands and Tenements, of the Person or Persons convicted; and if no such Goods and Chattels, Lands and Tenements, can be found, the Sum of *Ten Pounds*, to be paid by the Provincial Treasurer, out of the Monies arising by the Duty of Tonnage to be levied by Virtue of this Act: And if any Person or Persons shall counterfeit any of the said Bills of Credit, by altering the Denomination thereof, with Design to increase the Value of the said Bills, or shall utter such Bills, knowing them to be so counterfeited or altered, and shall thereof be legally convicted in any Court of Quarter Sessions of the Peace within this Province, every such Person and Persons shall be sentenced to the Pillory, have both of his or her Ears cut off, and nailed to the Pillory, and be publicly whipped on his or her bare Back with Thirty-nine Lashes, well laid on; and moreover, every such Offender shall forfeit the Sum of *One Hundred Pounds*, to be levied on his or her Lands, Tenements, Counterfeiters, or Utters of counterfeit Bills, to suffer Death.
Discoverer's Reward.
Persons altering Bills, how punished, &c.

ments, Goods and Chattels, one Half thereof to the Use of the Governor, and the other Half to the Discoverer; and the Offender shall pay to the Party grieved double the Value of the Damages thereby sustained, together with the Costs and Charges of the Prosecution; and in case the Offender shall not have sufficient to satisfy such Discoverer for his or her Damages, and pay the Forfeiture aforesaid, he or she shall be sold for any Term, not exceeding Seven Years, to make such Satisfaction; and in such Case, the said Discoverer shall be paid by the Provincial Treasurer, out of the Monies arising by the Duty of Tonnage, to be levied as aforesaid, the Sum of *Ten Pounds*; and every such counterfeit Bill shall be delivered to the said Treasurer, to be made Use of upon the Trial of the Person accused or suspected, and afterwards to be burnt and destroyed in the Presence of a Committee of Assembly.

Manner of appropriating the Money.

IX. *AND be it further enacted by the Authority aforesaid*, That the Wardens of the Port of *Philadelphia*, or a Majority of them, shall, and they are hereby enjoined and required, with all convenient Speed after the Passing of this Act, to purchase so much Land in such Parts or Places, for building and erecting thereon such other Piers (and to contract with any Person or Persons for the Use of such Pier or Piers as are already erected, and to extend, improve and repair the same) as they shall think necessary to render the Navigation in the said River and Bay more safe in the Winter Season; and on the said Land so bought to build and erect the said Piers, and to agree on, do, execute and perform, all and every other Act, Matter and Thing, relating to the Premises, as shall appear necessary for the Purposes aforesaid. And in order to defray the Expences thereof, the said Wardens, or a Majority of them, shall draw Orders on the Provincial Treasurer, who shall discharge the same, out of the Bills of Credit hereby directed to be emitted.

Duty of Tonnage further extended for 7 Years, &c.

X. *AND* whereas it is expedient that the said Bills of Credit, directed to be hereby made and emitted, should be paid off and discharged as soon as conveniently may be, *Be it enacted by the Authority aforesaid*, That so much of the said Act to which this is a Supplement, as relates to the laying, raising, collecting and paying a Duty of Tonnage upon all Ships and other Vessels, coming into or going out of this Province (His Majesty's Ships, and Shallops and other small Vessels trading within the River and Bay of *Delaware*, and along the Coast, as far as *Sandy-Hook* to the Eastward, and as far as *Indian-River* to the Southward, only excepted) and all other the Duties, Fines, Penalties, Matters and Things, relative to the said Duty of Tonnage, directed and enjoined in and by the same Act, be and are hereby further continued and extended for and during the Term of Seven Years, and from thence to the End of the next Sitting of Assembly, unless it shall so happen that the said Duties of Tonnage, so to be collected, shall not in that Time be sufficient to pay off and discharge the Bills of Credit emitted by Virtue of this Act; in which Case, this Act shall continue in Force until the said Duties shall be sufficient for that Purpose: And in case a greater Sum of Money shall be raised within the Time aforesaid, more than sufficient for the Purposes aforesaid, then, and in such Case, the Surplus aforesaid shall be applied for and towards the supporting, maintaining, and keeping in Repair and Use the said Light-House, Buoys and Piers aforesaid, in the best Manner, so as to be of the most Advantage to Trade and Navigation.

Passed March 18, 1775.

C A P. X.

An A C T to regulate the Assize of Bread, and for other Purposes therein mentioned.

Preamble.

WHEREAS the Mode heretofore used for regulating the Assize of Bread, by the Prices at which Wheat is commonly sold, has been found, on Experience, to be unequal, as the Price of Wheat by no Means determines, with Certainty, the Price of Flour; to the Intent therefore, that, from and after the Publication of this Act, a just, equal and constant Rule and Method may be duly observed and kept in the making and assizing the several Sorts of Bread herein after mentioned, which shall be made for Sale in any Place or Places where such

Assize

Affize shall be set in Pursuance of this Act, BE IT ENACTED by the Honourable JOHN PENN, Esq; Governor and Commander in Chief of the Province of *Pennsylvania*, by and with the Consent and Advice of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That it shall and may be lawful for the Mayor or Recorder, and any two of the Aldermen of the City of *Philadelphia*, or for the Burgefs or Burgeffes of any Borough, and two Justices of the Peace of the County, or for any three Justices of the Peace for any County within this Province, from and after the Publication hereof, as often as there may be Occasion, to set, ascertain and appoint, in any Place or Places within their respective Jurisdiccions, the Affize and Weight of the severall Sorts of Bread following, which shall in any such Place or Places be made for Sale, sold or exposed to Sale, and the Price to be paid for the same ; and that in every Affize of Bread which shall be so set, in Pursuance of this Act, due Regard shall be had, from Time to Time, to the Market Price which Flour, whereof such Bread shall be made, shall be sold at in the Cities, Towns or Places, in or near the Place where such Affize shall be so set, and that the said Affize shall be set and ascertained according to the Table following, in Avoirdupois Weight, of Sixteen Ounces to the Pound.

Magistrates and Justices to ascertain the Affize of Bread.

The Price of fine Flour, Middlings, and Rye Flour, by the Cwt. respectively.		A Four-penny Loaf to weigh,		The Price of fine Flour, Middlings, and Rye Flour, by the Cwt. respectively.		A four-penny Loaf to weigh,		The Price of fine Flour, Middlings, and Rye Flour, by the Cwt. respectively.		A Four-penny Loaf to weigh,	
s.	d.	lb.	oz.	s.	d.	lb.	oz.	s.	d.	lb.	oz.
7	0	3	5 ¹ / ₂	12	0	2	8	17	9	1	14 ¹ / ₂
7	6	3	3 ³ / ₄	12	6	2	7	18	6	1	13 ¹ / ₂
8	0	3	2	13	0	2	6	19	3	1	13
8	6	3	0 ¹ / ₂	13	6	2	5	20	0	1	12 ¹ / ₂
9	0	2	15	14	0	2	4	20	9	1	11 ¹ / ₂
9	6	2	14	14	6	2	3	21	6	1	10 ¹ / ₂
10	0	2	12 ¹ / ₂	15	0	2	2 ¹ / ₂	22	3	1	10
10	6	2	11	15	6	2	1 ¹ / ₂	23	0	1	9 ¹ / ₂
11	0	2	10	16	3	2	0 ¹ / ₂	24	0	1	8 ¹ / ₂
11	6	2	9	17	0	1	15 ¹ / ₂	25	0	1	7 ¹ / ₂

Weight of the Four-penny Loaf.

And so in Proportion for Loaves of a larger or smaller Size.

II. A N D, in order to enable the said Magistrates and Justices within their respective Jurisdiccions to set the Affize of Bread with Justice and Equity, *Be it further enacted by the Authority aforesaid*, That the respective Prices which the severall Kinds of Flour, fit to make the said different Sorts of Bread allowed to be made by this Act, shall commonly and generally, from Time to Time, *bona Fide*, sell for in the said City of *Philadelphia*, and other Places aforesaid, and not at particular Times, or on particular Contracts only, shall, once in every Month, or oftener, if necessary, as the said Magistrates or Justices respectively shall appoint, be given and delivered in Writing, on Oath or Affirmation, to the said Magistrates or Justices, by the Clerk of the Market, or such other Person or Persons, in the Places aforesaid, as the said Magistrates and Justices respectively shall order and appoint ; and within two Days next after such Return of the Prices aforesaid shall be given in as aforesaid, the Affize, Weight and Price of all Kinds of Bread to be made for Sale, sold or exposed to Sale, shall, from Time to Time, be set by the Magistrates and Justices aforesaid, within their respective Jurisdiccions ; and that after the fixing and setting such Affize, the same shall with all convenient Speed be made public, in such Manner as the said Magistrates and Justices shall think proper, and shall be in Force, until a new Affize shall be fixed and set ; but before any Advance or Reduction shall be made in the Weight of Bread in any of the Places aforesaid, the said Clerk of the Market, or other Person appointed as aforesaid to give in the Prices of Flour, shall deliver Copies of such Return to two of the Bakers residing within the Place, for which the same shall be made, with the Notice thereunder written of the

Current Price of the severall Kinds of Flour to be delivered to the Magistrates, in Writing, once a Month, by the Clerk of the Market, &c.

the Time and Place of setting the next Assize, to the End that the Bakers of such Place may have, from Time to Time, an Opportunity to offer to such Magistrates or Justices their Objections, if any they have, against any Advance being at that Time made in the Weight of Bread.

No Alteration in Assize to be made, unless Flour rises or falls Six-pence per Cwt.

III. *AND be it further enacted by the Authority aforesaid*, That after any Assize of Bread shall be set, in Pursuance of this Act, no Alteration shall be made therein, either to raise the same higher, or to sink the same lower, unless the Price of Flour shall be returned as having rose *Six-pence per Hundred Weight* more than the last Return made, or having fallen *Six-pence per Hundred Weight* lower than the said last Return.

Baker's Name to be on his Bread, with the Letters F or M.

IV. *AND be it further enacted by the Authority aforesaid*, That every Person or Persons who shall make any Loaf Bread of Wheat Flour for Sale, in any of the Places aforesaid, shall mark all the Bread he shall bake with his Name, and with the following Letters, to distinguish the several Sorts; that is to say, the fine white Bread with F, and Middling Bread with M; which several Sorts of Bread shall be made in the Manner following, the fine white Bread of the best fine white Flour, and the Middling Bread of good Middlings; and the Loaves of such Bread shall be a *Penny Loaf* or Roll, a *Two-penny*, a *Four-penny*, an *Eight-penny* and a *Twelve-penny Loaf*, and no other.

Clerks of the Market, &c. to weigh the Bread, and seize it, if deficient in Weight, &c.

V. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons whatsoever shall, after the Publication hereof, make for Sale, sell or expose to Sale, any of the several Sorts of Bread aforesaid, within the Places aforesaid, which shall not be sufficiently baked, or marked with the Mark, and of the Weight and Fineness directed by this Act, every such Person or Persons, offending in the Premises, shall forfeit all such Bread so deficient in Weight or Fineness, and not marked as aforesaid; and that it shall and may be lawful to and for the Clerks of the respective Markets, in any of the Places aforesaid, if such there be, and in such Places where there shall be no such Clerk, to and for such Person or Persons as the said Justices respectively shall appoint, and they are hereby authorized and required (without any further or other Warrant, with or without a Constable) to enter into all Houses or other Places, where they shall be informed, or suspect there is any Bread baked for Sale, at least twice in every Month, to examine and weigh all such Bread, and to seize all such as they shall find deficient in Weight or Fineness, and not baked and marked as aforesaid; and if any Baker, or other Person, shall refuse to suffer the said Clerks or other Persons, appointed as aforesaid, to enter into his House or other suspected Place, to examine and weigh his Bread, he shall forfeit and pay the Sum of *Five Pounds* for every such Offence, to be recovered before any Magistrate or Justice of the Peace for the said City, Boroughs or Counties respectively, as Debts not exceeding *Five Pounds* are by Law directed to be recovered; of all which Forfeitures and Penalties, the said Clerk of the Market, or other Person appointed as aforesaid, shall have one third Part for his Trouble, and shall deliver the other two Thirds to the Overseers of the Poor of the City, Borough, Township or Place, where such Bread shall be seized, or Penalty incurred, for the Use of the Poor thereof.

Penalty on the Baker's refusing to suffer his Bread to be weighed, &c.

Baker, if aggrieved by Seizure, may appeal to a Magistrate, &c.

VI. *AND be it further enacted by the Authority aforesaid*, That if any Baker shall conceive himself aggrieved by the Seizure of Bread as aforesaid, he may apply to one of the Magistrates of the City or Borough, or to one of the Justices of the County respectively, in which the Dispute shall happen, who thereupon shall issue his Warrant to three indifferent and judicious Persons, directing them to view the said Bread, and to make Report to him according as they shall find the same, and the said Magistrate or Justice shall thereupon proceed to give Judgment on the said Report, or the Report of any two of them; and if it shall appear to the said Magistrate or Justice, that the said Bread was justly seized, the Baker thereof shall pay the Sum of *Ten Shillings*, to the Use of the Poor of the City, Borough or Township, where the said Bread was seized, with reasonable Charges; but in case the said Bread, upon Trial, shall be found of due Weight and Fineness, and marked and baked as this Act directs, it shall be returned to the Baker, and the Charges shall be paid by the Officer or Person seizing

seizing the same; and if any Person purchasing Bread shall find it deficient in any of the Particulars before mentioned, he or she may make Complaint thereof, within one Day after the said Bread shall be so purchased, to any Magistrate or Justice aforesaid, who is hereby authorised and required to hear and examine such Complaint; and if the said Bread shall be deficient in any of the said Particulars, the Baker thereof shall be adjudged to pay *Five Shillings* for every such Offence, and be thereupon committed to the common Goal, without Bail or Main-prize, until he pay the same; which Penalty, when received by the said Justice, shall be delivered to the Overseers of the Poor aforesaid, to the Use of the Poor.

VII. *AND be it further enacted by the Authority aforesaid*, That if any Person or Persons shall adulterate or mix any improper or unwholesome Ingredient in any Kind of Flour, of which Bread shall be made for Sale as aforesaid, every such Person or Persons, being thereof legally convicted before any Magistrate or Justice of the City, Borough or County, where such Bread shall be so made, sold or exposed to Sale, who is hereby authorised and empowered to hear, try and determine the same, shall forfeit and pay the Sum of *Five Pounds* for every such Offence.

Penalty on
Persons adul-
terating their
Flour.

VIII. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful to and for the Clerk of the Market of any City, Borough or Town, within this Province, to weigh all Butter brought into the same to be sold by Weight, which, if found deficient, the said Clerk shall forthwith, in the Presence of two reputable Freeholders, weigh again, and if it appears to the said Freeholders that the said Butter is under Weight, the same shall be seizable; one third Part thereof for the Use of the said Clerk, and the other two Thirds for the Use of the Poor of the Place where seized; and in case any Owner or Owners of Butter so seized shall conceive him, her or themselves aggrieved by such Seizure, he, she or they may appeal to any Magistrate or Justice aforesaid of the City, Borough or Place, where such Seizure is made, who shall hear, try and determine the same.

Clerk of the
Market to
seize Butter
deficient in
Weight, &c.

IX. *AND be it further enacted by the Authority aforesaid*, That the Clerks of the several Markets within this Province now in Office, on or before the first Day of *April* next ensuing the Publication of this Act, and all such Clerks as shall hereafter be appointed, before they enter upon the Execution of their Offices, shall take the following Oath or Affirmation before some Magistrate or Justice of the City, Borough or County, wherein they shall reside, viz. “*That he will well and truly, to the best of his Skill and Judgment, do and perform all Things enjoined and required of him, as Clerk of the Market, by the Laws of this Province:*” And that the Person or Persons to be appointed, from Time to Time, in Virtue of this Act, to search for and seize Bread made contrary to the Regulations herein mentioned, shall in like Manner take the following Oath or Affirmation, “*That they will, to the best of their Skill and Judgment, do and perform all and singular the Matters and Things, enjoined and required of them by this Act.*”

Clerks of
Markets to
take an Oath
or Affirma-
tion.

X. *AND be it further enacted by the Authority aforesaid*, That the Act of General Assembly, passed in the Twelfth Year of the Reign of WILLIAM the Third, intituled, *An Act for the Assize of Bread*, and one other Act, made in the Twelfth Year of His present Majesty GEORGE the Third, intituled, *An Act to regulate the Assize of Bread, and for other Purposes therein mentioned*, and also a Supplement to the last mentioned Act, made in the Thirteenth Year of His present Majesty's Reign, intituled, *An Act to amend the Act, intituled, An Act to regulate the Assize of Bread, and for other Purposes therein mentioned*, shall be, and they are hereby repealed, and made null and void.

Former Acts
repealed.

Passed March 18, 1775.

C A P. XI.

An ACT for the Relief of *William Goddard*, and *Septimus Levering*, languishing Prisoners in the Goal of *Philadelphia* County, with respect to the Imprisonment of their Persons.

Passed March 18, 1775.——Private Act.

C A P.

C A P. XII.

An A C T to enable the Trustees therein mentioned to sell and dispose of a certain Tract of Land, and to apply the Monies arising therefrom to the Use of the *Low Dutch* Reformed Congregation, or a religious Society of Christians, called *Dutch Presbyterians*.

Passed March 18, 1775.—Private Act.

C A P. XIII.

An A C T to amend an Act, intituled, *A Supplement to the Act, intituled, An Act appointing Wardens for the Port of Philadelphia*, and for other Purposes therein mentioned.

Preamble.

WHEREAS in and by an Act, intituled, “*A Supplement to the Act, intituled, An Act appointing Wardens for the Port of Philadelphia, and for other Purposes therein mentioned*,” passed in the Fifteenth Year of His present Majesty’s Reign, it is ordered and directed that Bills of Credit, to the Value of *Six Thousand Pounds*, should be prepared and printed, agreeable to the Directions of the same Act. And whereas it appears there is an Error in the Date of the Year of the Reign of His present Majesty GEORGE the Third, in the Form prescribed by the same Act for printing the said Bills of Credit: Therefore, BE IT ENACTED by the Honourable JOHN PENN, Esquire, Governor and Commander in Chief of the Province of *Pennsylvania*, by and with the Consent and Advice of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the said Bills of Credit, to the Value of *Six Thousand Pounds*, directed to be prepared and printed in and by the said recited Act, shall, within Three Months after the Passing of this Act, be made and prepared in the Manner and Form following, viz.

Form of the Bills.

_____ according to an Act of General Assembly of *Pennsylvania*, passed in the Fifteenth Year of the Reign of His Majesty GEORGE the Third. Dated the Twenty-fifth Day of March, One Thousand Seven Hundred and Seventy-five.

Bills to be signed and appropriated, as directed by the former Act.

II. AND be it further enacted by the Authority aforesaid, That the said Bills of Credit shall be signed by the same Persons, the Appropriation and Sinking the said Bills shall be done in the same Manner, and the counterfeiting the said Bills, or forging the Name or Names of the Signers of the said Bills, or altering the Denomination thereof, whether the counterfeiting the said Bills or Names be done within this Province, or elsewhere, or uttering the same, knowing them to be counterfeited, forged or altered, by any Person or Persons whatsoever, shall be subject to the same Penalties, Fines and Forfeitures, and to be tried in the same Manner, as directed in and by the said recited Act.

Part of the former Act repealed.

III. AND be it further enacted by the Authority aforesaid, That so much of the said recited Act, as relates to the Form in which the said Bills of Credit should be made and prepared, shall be and is hereby declared to be repealed.

Passed June 29, 1775.

C A P. XIV.

An A C T for confirming the Estate of the Heirs and Representatives of *John Taylor*, late of the County of *Chester*, Practitioner in Physic, deceased, in a certain Tract of Land in the Township of *Bradford*, in the said County.

Passed June 29, 1775.—Private Act.

C A P. XV.

An A C T for confirming the Estate of *Daniel Andrew* in and to certain Lands in *Amity Township*, in the County of *Berks*.

Passed June 29, 1775.—Private Act.

C A P. XVI.

An A C T for the Support of the Government of this Province, and Payment of the public Debts.

W H E R E A S it would be extremely distressing to the People of this Province, labouring under a heavy Burthen of Taxes, for sinking the Bills of Credit emitted during the last War, and granted to His Majesty for the Protection of His *American* Dominions, to impose on them an additional Rate or Tax to be immediately levied on their real and personal Estates. And whereas it is necessary to raise a Sum of Money, for supporting the Honour of Government, discharging its Debts and incidental Expences, and preserving the public Credit, We, the Representatives of the Freemen of the said Province, do therefore pray that it may be enacted, and **B E I T E N - A C T E D** by the Honourable JOHN PENN, Esq; Governor and Commander in Chief of the Province of *Pennsylvania*, by and with the Consent and Advice of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That Bills of Credit, to the Value of *Twenty-two Thousand Pounds*, shall be prepared and printed, within two Months next after the Passing of this Act, on good strong Paper, under the Care and Direction of *George Gray, Michael Hillegas, Joseph Parker, and Isaac Pearson*, Esquires, or any three of them, the Charges whereof shall be paid by the Provincial Treasurer, out of the Monies arising, or to arise, by the Excise on spirituous Liquors, directed to be levied and paid in Virtue of the Act, entituled, *An Act for the Support of the Government of this Province, making the Excise on Wine, Rum, Brandy and other Spirits more equal, and preventing Frauds in the collecting and paying the said Excise*, passed in the Twelfth Year of His present Majesty's Reign. Which Bills of Credit shall be made and prepared in the Manner and Form following, viz.

Preamble.

£ 22,000 to be struck in Bills of Credit.

— according to an Act of General Assembly of *Pennsylvania*, Form of the passed in the Fifteenth Year of the Reign of his Majesty *GEORGE the Third*. Dated the Twentieth Day of October, Anno Domini One Thousand Seven Hundred and Seventy-five. Bills.

II. **A N D** the said Bills shall have such like Escutcheons as in the Margin hereof, with such other Devices as the said *George Gray, Michael Hillegas, Joseph Parker, and Isaac Pearson*, shall think proper, as well to prevent Counterfeits, as to distinguish their several and respective Denominations; each of which Bills shall be of the several and respective Denominations following, and no other; that is to say,

SIX Thousand of the same Bills, the Sum of *Twenty Shillings* in each of them.

SIX Thousand of the same Bills, the Sum of *Fifteen Shillings* in each of them.

SIX Thousand of the same Bills, the Sum of *Ten Shillings* in each of them.

SIX Thousand of the same Bills, the Sum of *Five Shillings* in each of them.

FIFTEEN Thousand Eight Hundred and Forty-nine of the same Bills, the Sum of *Two Shillings and Six-pence* in each of them.

FIFTEEN Thousand Eight Hundred and Forty-nine of the same Bills, the Sum of *Two Shillings* in each of them. Their several Denominations.

FIFTEEN Thousand Eight Hundred and Forty-nine of the same Bills, the Sum of *One Shilling and Six-pence* in each of them.

FIFTEEN Thousand Eight Hundred and Forty-nine of the same Bills, the Sum of *One Shilling* in each of them.

FIFTEEN Thousand Eight Hundred and Forty-nine of the same Bills, the Sum of *Nine-pence* in each of them.

FIFTEEN Thousand Eight Hundred and Fifty of the same Bills, the Sum of *Six-pence* in each of them.

FIFTEEN Thousand Eight Hundred and Forty-nine of the same Bills, the Sum of *Four-pence* in each of them.

FIFTEEN Thousand Eight Hundred and Forty-nine of the same Bills, the Sum of *Three-pence* in each of them.

Care to be
taken that
the Number
of Bills be
not exceeded,
&c.

III. AND the said George Gray, Michael Hillegas, Joseph Parker, and Isaac Pearson, shall use their best Care, Attention and Diligence, during the Printing of the said Bills, that the Number and Amount thereof, according to the respective Denominations aforesaid, be not exceeded, nor any clandestine or fraudulent Practice used by the Printer, his Servants, or others concerned therein.

Signer's
Names;

and Qualifi-
cation.

IV. AND for perfecting the said Bills, according to the true Intent and Meaning of this Act, *Be it enacted by the Authority aforesaid*, That all and every of the said Bills, the Denominations whereof shall be *One Shilling* and upwards, shall be signed by any three of the Persons herein after mentioned; and that every of the said Bills, the Denominations whereof shall be under *One Shilling*, shall be signed by any one of the Persons herein after mentioned; that is to say, by Thomas Shoemaker, Charles Jervis, Philip Kinsey, John Knowles, Abel Evans, John Warder, Isaac Howell, Richard Humphreys, Thomas Tilbury, Henry Hale Graham, Adam Grubb, and Francis Johnston, who are hereby nominated and appointed to be Signers of the said Bills, and shall, before they receive or sign any of them, take an Oath or Affirmation to the Effect following, *viz. THAT they shall well and truly sign and number all the Bills that shall come to their Hands for that Purpose, by the Direction of this Act; and the same so signed and numbered will deliver, or cause to be delivered, unto the said George Gray, Michael Hillegas, Joseph Parker, and Isaac Pearson, or any three of them, pursuant to the Direction of this Act.*

Committee
of Assembly
to deliver the
Bills to the
Signers, in
Parcels, who
are to give
Receipts for
the same, &c.

V. AND for avoiding the Danger of Embezzlement or Misapplication of the said Bills of Credit, *Be it further enacted by the Authority aforesaid*, That the said George Gray, Michael Hillegas, Joseph Parker, and Isaac Pearson, or any three of them, after the said Bills shall be printed, shall deliver them to the Signers aforesaid, to be signed and numbered, by Parcels, for which the said Signers, or some of them, shall give their Receipt; that is to say, *Two Thousand Pounds* Value in the said Bills, to them at one Time, and so from Time to Time, until all the said Bills of Credit shall be signed and numbered, in such Manner, that not more than the Value of *Two Thousand Pounds* shall remain in such Signers Hands at any one Time; of all which said Bills of Credit, so delivered to be signed, a true Account shall be kept by the Signers, who, upon their Re-delivery of each or any Parcel of the said Bills, by them signed and numbered, shall take the Receipt of the said George Gray, Michael Hillegas, Joseph Parker, and Isaac Pearson, or any three of them, to charge them before any Committee of Assembly to be appointed for that Purpose.

Allowance to
Signers, &c.
for their
Trouble.

VI. AND each of the said Signers shall receive *Ten Shillings* for every Thousand of the said Bills by them signed and numbered; and each of the said George Gray, Michael Hillegas, Joseph Parker, and Isaac Pearson, shall have and receive for their Trouble the Sum of *Ten Shillings per Diem*; and the said Treasurer, for paying and receiving the said Bills of Credit, shall have and receive *Five Shillings* for every *Hundred Pounds*, and no more; to be paid and discharged by the Provincial Treasurer, out of the Monies arising or to arise by the Excise on spirituous Liquors, by Virtue of the herein before mentioned Act, passed in the Twelfth Year of His present Majesty's Reign.

Bills, when
signed, to be
delivered to
the Provincial
Treasurer.

VII. AND *be it further enacted by the Authority aforesaid*, That as soon as the said Bills shall be signed, numbered and perfected, the said George Gray, Michael Hillegas, Joseph Parker, and Isaac Pearson, or any three of them, shall deliver them to the Provincial Treasurer, and take his Receipt or Receipts for the same; who shall therewith pay off and discharge all such Draughts and Certificates as have been heretofore made by Order of Assembly. And if any Overplus shall remain, after Payment of the said Draughts and Certificates, such Overplus shall be disposed of by Act of General Assembly.

Counterfeit-
ers, or Utter-
ers of Coun-
terfeit Bills,
to suffer
Death.

VIII. AND *be it further enacted by the Authority aforesaid*, That if any Person or Persons shall presume to counterfeit any of the said Bills of Credit, made and issued by Virtue of this Act, by printing, or procuring the same to be printed, in the Likeness or Similitude of the said Bills of Credit, or if any Person or Persons shall forge the Name or Names of the Signers of the said true Bills of Credit to such counterfeit Bills, whether the counterfeiting of the said Bills

Bills of Credit, or Names, be done within this Province or elsewhere, or shall utter such Bills, knowing them to be counterfeited as aforesaid, and being thereof legally convicted, by Confession, standing mute, or by the Verdict of twelve Men, in any Court of Oyer and Terminer, within this Province, he, she or they, shall suffer Death, without Benefit of Clergy; and the Discoverer or Informer shall have, as an Encouragement to his Discovery, the Sum of *Fifty Pounds*, of the Value of the Goods and Chattels, Lands and Tenements, of the Person or Persons convicted; and if no such Goods and Chattels, Lands and Tenements, can be found, the Sum of *Ten Pounds*, to be paid by the Provincial Treasurer. And if any Person or Persons shall counterfeit any of the said Bills of Credit, by altering the Denomination thereof, with Design to increase the Value of the said Bills, or shall utter such Bills, knowing them to be so counterfeited or altered, and shall thereof be legally convicted, in any Court of Quarter Sessions of the Peace within this Province, every such Person and Persons shall be sentenced to the Pillory, have both of his or her Ears cut off, and nailed to the Pillory, and be publicly whipped, on his or her bare Back, with Thirty-nine Lashes, well laid on. And moreover, every such Offender shall forfeit the Sum of *One Hundred Pounds*, to be levied on his or her Lands, Tenements, Goods and Chattels, one Half thereof to the Use of the Governor, and the other Half to the Discoverer; and the Offender shall pay to the Party grieved double the Value of the Damages thereby sustained, together with the Costs and Charges of the Prosecution; and in case the Offender shall not have sufficient to satisfy such Discoverer for his or her Damages, and pay the Forfeiture aforesaid, he or she shall be sold for any Term, not exceeding Seven Years, to make such Satisfaction; and in such Case the said Discoverer shall be paid by the Provincial Treasurer the Sum of *Ten Pounds*; and every such counterfeit Bill shall be delivered to the said Treasurer, to be made use of upon the Trial of the Person accused or suspected, and afterwards to be burnt, sunk and destroyed, in the Presence of a Committee of Assembly.

Discoverer's Reward.

Persons altering Bills, how punished, &c.

IX. AND whereas, by a certain Act of General Assembly, passed in the Third Year of the Reign of His present Majesty, entitled, *An Act for granting to His Majesty the Sum of Twenty-four Thousand Pounds, for the Defence and Protection of this Province, and for other Purposes therein mentioned*, so much of a certain other Act of General Assembly, passed in the Thirtieth Year of the Reign of His late Majesty GEORGE the Second, entitled, *An Act for striking the Sum of Thirty Thousand Pounds in Bills of Credit, and giving the same to the King's Use, and for providing a Fund to sink the Bills so to be emitted, by laying an Excise upon Wine, Rum, Brandy and other Spirits*, as relates to the raising, levying, collecting and paying the Excise upon Wine, Rum, Brandy and other Spirits, was extended and continued, from the Time limited in and by the same Act, for and during the Term of three Years, and from thence to the End of the next Sitting of Assembly, in order to secure and assure the Disposition and Application of the Sum of *Seven Thousand Pounds*, to and for the Protection of the City of *Philadelphia* (to and for which Purpose the same was by Law granted to His Majesty) when it should become necessary.

X. AND whereas, by another Act of General Assembly, passed in the Seventh Year of His Majesty's Reign, entitled, *An Act for raising the Sum of Twenty Thousand Pounds, for the Support of the Government of this Province, and Payment of the public Debts*, so much of the said Act, entitled, *An Act for striking the Sum of Thirty Thousand Pounds in Bills of Credit, &c.* as relates to the raising, levying, collecting and paying the Excise upon Wine, Rum, Brandy and other Spirits, was continued and extended, from the Time limited in and by the said herein last recited Act, for and during the further Term of four Years, and from thence to the End of the next Sitting of Assembly, in order to sink the Bills of Credit by the same Act emitted.

XI. AND whereas, by another Act of General Assembly, passed in the Eighth Year of His present Majesty's Reign, entitled, *An Act for raising and applying the Sum of Three Thousand Pounds, towards removing the present Discontent of the Indians, regaining their Friendship, and for other Purposes therein mentioned*, so much of the said Act, entitled, *An Act for striking the Sum of*
Thirty

Thirty Thousand Pounds in *Bills of Credit*, &c. as relates to the raising, levying and collecting the Excise upon Wine, Rum, Brandy and other spirituous Liquors, was continued and extended, from the Time limited in and by the herein before last recited Act, for and during the further Term of one Year, and from thence to the End of the next Sitting of Assembly, in order to sink the Bills of Credit appropriated and applied to the Uses and Purposes therein mentioned.

XII. AND whereas, by one other Act of General Assembly, passed in the Ninth Year of His present Majesty's Reign, entitled, *An Act for raising the Sum of Sixteen Thousand Pounds, for the Support of the Government of this Province, and Payment of the public Debts*, and other Purposes therein mentioned, so much of the said Act, entitled, *An Act for striking the Sum of Thirty Thousand Pounds, in Bills of Credit*, &c. as relates to the raising, levying and collecting the said Excise upon Wine, Rum, Brandy and other Spirits, was continued and extended, from the Time limited in and by the said last recited Act, for and during the further Term of four Years, and from thence to the End of the next Sitting of Assembly, for sinking the Bills of Credit by the same Act emitted.

XIII. AND whereas, by the Act of General Assembly, herein before first mentioned, passed in the Twelfth Year of His present Majesty's Reign, entitled, *An Act for the Support of the Government of this Province, making the Excise upon Wine, Rum, Brandy and other Spirits more equal, and preventing Frauds in the collecting and paying the said Excise*, so much of the said Act, entitled, *An Act for striking the Sum of Thirty Thousand Pounds in Bills of Credit*, &c. as relates to the raising, levying and collecting the said Excise upon Wine, Rum, Brandy and other Spirits, was altered and amended, and a new Mode for raising, levying and collecting the same was directed, and the same Act continued and extended for the Space of ten Years, from the tenth Day of April, One Thousand Seven Hundred and Seventy-two, and until all the Purposes in the same Act mentioned should be fully answered and compleated.

XIV. AND whereas it is expedient that the Bills of Credit, directed to be hereby made and emitted, should be paid off and discharged as soon as conveniently may be, *Be it therefore enacted by the Authority aforesaid*, That when all the Bills of Credit, that have been heretofore emitted by Virtue of the said recited Acts, shall be paid off and discharged, then, and immediately after, the said Provincial Treasurer shall, and he is hereby enjoined and required, out of the Monies which shall be in his Hands, arising from the said Excise by Virtue of the said last recited Act, from Time to Time to pay off and discharge all and every the Bills of Credit made and emitted in and by Virtue hereof; and shall, upon such Payment, receive the same Bills of their respective Bearers, and shall yearly, as they come to his Hands, deliver over the same to such Committees of Assembly as shall be annually appointed to settle the public Accounts, to be by them burnt, sunk and destroyed.

XV. *PROVIDED* always, and be it further enacted by the Authority aforesaid, That if the said Rates, Duties and Sums of Monies, by the herein before recited Act, entitled, *An Act for the Support of the Government of this Province, making the Excise on Wine, Rum, Brandy and other Spirits more equal, and preventing Frauds in the collecting and paying the said Excise*, directed to be raised, levied and collected, during the Continuance of the same Act, shall not be sufficient to pay off and discharge the Bills of Credit hereby directed to be emitted, together with all such other Bills of Credit as have been heretofore emitted by the said recited Acts for continuing the Excise on the said Liquors, and the other Purposes in this and the said Acts mentioned; in such Case this Act, and the said last recited Act, and every Article, Clause, Matter and Thing therein contained, shall be, and is hereby declared to be, in full Force and Virtue, until all the Purposes aforesaid shall be fully answered and compleated. And if the said Rates and Sums of Money shall produce more than sufficient for the Purposes aforesaid, the Overplus shall remain in the Hands of the Provincial Treasurer, to be disposed of by Act of General Assembly.

Passed September 30, 1775.

Manner of
sinking the
Bills.

Proviso, in
case of Defi-
ciency or
Surplus.

A N

A P P E N D I X :

C O N T A I N I N G A

S U M M A R Y

O F S U C H

A C T S O F A S S E M B L Y

As have been formerly in Force within this PROVINCE,

For Regulating of DESCENTS,

And Transferring the PROPERTY of LANDS, &c.

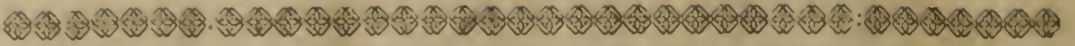
But since expired, altered or repealed.

*With NOTES upon divers of them, by the late Learned in the
Law, Chief Justice KINSEY.*



P H I L A D E L P H I A :

Printed by HALL and SELLERS, in Market-street. MDCCLXXV.



T O T H E
R E A D E R.

TH E following Appendix contains a Number of Acts of the General Assembly, made in the early Times of this Province, for the settling and disposing of Estates, Real and Personal, within the same, in Virtue whereof many Estates have been settled or conveyed; but from the Change and Circumstances of the Province, divers of them have from Time to Time been altered or repealed, and others have expired; it therefore appears necessary to publish them at this Time, particularly for the Sake of those, who hold Estates conveyed under the Powers given by those Laws, or any of them, it being clearly settled, that any Act done in Pursuance of a Power given by Law, while that Law continued in Force, is valid, although the Law giving such Power should afterwards be repealed, or by its own Limitation expire.



A N

A P P E N D I X.

In the CHARTER granted by King CHARLES the Second to William Penn, Esq; late Proprietary and Governor of the Province of Pennsylvania, bearing Date the Fourth of March, in the Thirty-third Year of his Reign, Anno 1681, it is, amongst other Things, provided in the Words following, viz.*

AND Our further Will and Pleasure is, That the Laws for regulating and governing of Property, within the said Province, as well for the Descent and Enjoyment of Lands, as likewise for the Enjoyment and Succession of Goods and Chattels, and likewise as to Felonies, shall be and continue the same, as they shall be for the Time being by the general Course of the Law in Our Kingdom of England, until the said Laws shall be altered by the said William Penn, his Heirs or Assigns, and by the Freemen of the said Province, their Delegates or Deputies, or the greater Part of them.

Earl of Derby's Case, 4 Inst. 284, That Land granted by Letters Patents from the Crown, though out of the Realm of England, should descend according to the Course of the Common Law, it is clear, that from the Date of the Charter, until Acts of Assembly were made to alter the same, Lands, within this Province, descended according to the Course of Common Law.

OBSERVATION.

ALTHOUGH it should be made a Question, whether the Statute Laws of England, by the Royal Charter or otherwise, did or do extend to this Province; yet as the Common Law is generally allowed to be in Force here in such Cases wherein no Alterations have been made by Acts of Assembly: And as it appears to have been resolved in the

L A W S agreed upon in England.

1. **T**HAT the Charter of Liberties, declared, granted and confirmed the Five and Twentieth Day of the Second Month, called April, 1682, before divers Witneses, by William Penn, Governor and Chief Proprietary of Pennsylvania, to all the Freemen and Planters of the said Province, is hereby declared and approved, and shall be for ever held for fundamental in the Government thereof, according to the Limitations mentioned in the said Charter.

2. **T**HAT every Inhabitant in the said Province, that is or shall be a Purchaser of One Hundred Acres of Land or upwards, his Heirs and Assigns, and every Person who shall have paid his Passage, and taken up One Hundred Acres of Land, at One Penny an Acre, and have cultivated Ten Acres thereof, and every Person that hath been a Servant or Bondsman, and is free by his Service, that shall have taken up his Fifty Acres of Land, and cultivated Twenty thereof, and every Inhabitant, Artificer, or other Resident in the said Province, that pays Scot and Lot to the Government, shall be deemed and accounted a Freeman of the said Province; and every such Person shall and may be capable of electing, or being elected, Representatives of the People in Provincial Council, or General Assembly, in the said Province.

3. **T**HAT all Elections of Members or Representatives of the People and Freemen of the Province of Pennsylvania, to serve in Provincial Council, or General Assembly, to be held within the said Province, shall be free and voluntary; and that the Elector that shall receive any Reward or Gift, in Meat, Drink, Monies, or otherwise, shall forfeit his Right to elect; and such Person as shall, directly or indirectly, give, promise or bestow any such Reward as aforesaid, to be elected, shall forfeit his Election, and be thereby incapable to serve as aforesaid. And the Provincial Council, and General Assembly, shall be the sole Judges of the Regularity or Irregularity of the Elections of their own respective Members.

4. **T**HAT no Money or Goods shall be raised upon or paid by any of the People of this Province, by Way of a public Tax, Custom or Contribution, but by a Law for that Purpose made; and whosoever shall levy, collect or pay any Money or Goods contrary thereunto, shall be held a public Enemy to the Province, and a Betrayor of the Liberties of the People thereof.

5. **T**HAT all Courts shall be open, and Justice shall neither be sold, denied nor delayed.

Justice.

6. **T**HAT in all Courts all Persons of all Persuasions may freely appear in their own Way, and according to their own Manner, and there personally plead their own cause themselves, or, if unable, by their Friends: And the first Process shall be the Exhibition of the Complaint in Court, Fourteen Days before the Trial; and that the Party complained against may be fitted for the same he or she shall be summoned no less than Ten Days before, and a Copy of the Complaint delivered him or her, at his or her Dwelling-house. But before

Proceedings in Courts.

the

* Part of the 6th Section.

the Complaint of any Person be received, he shall solemnly declare in Court, That he believes in his Conscience his Cause is just.

Pleading in English. 7. THAT all Pleadings, Processes and Records in Courts, shall be short and in English, and in an ordinary and plain Character, that they may be understood, and Justice speedily administered.

Trials by Jury. 8. THAT all Trials shall be by Twelve Men, and as near as may be, Peers or Equals, and of the Neighbourhood, and Men without just Exception. In Cases of Life, there shall be first Twenty-four returned by the Sheriff for a Grand Inquest, of whom Twelve at least shall find the Complaint to be true; and then the Twelve Men, or Peers, to be likewise returned by the Sheriff, shall have the final Judgment. But reasonable Challenges shall be always admitted against the said Twelve Men, or any of them.

Fees to be moderate, &c. 9. THAT all Fees in all Cases shall be moderate, and settled by the Provincial Council and General Assembly, and be hung up in a Table in every respective Court; and whosoever shall be convicted of taking more, shall pay two-fold, and be dismissed his Employment, one Moiety of which shall go to the Party wronged.

Prisons and Work-houses. 10. THAT all Prisons shall be Work-houses for Felons, Vagrants, and loose and idle Persons; whereof one shall be in every County.

Bail. 11. THAT all Prisoners shall be bailable by sufficient Sureties, unless for capital Offences, where the Proof is evident, or the Presumption great.

Damages. 12. THAT all Persons wrongfully imprisoned or prosecuted at Law shall have double Damages against the Informer or Prosecutor.

Prisons free of Expence. 13. THAT all Prisons shall be free, as to Fees, Food and Lodging.

Lands, how liable for Debts. 14. THAT all Lands and Goods shall be liable to pay Debts, except where there is legal Issue, and then all the Goods, and One Third of the Land only.

Wills. 15. THAT all Wills and Writings, attested by two Witnesses, shall be of the same Force as to Lands, as other Conveyances, being legally proved within Forty Days, either within or without the said Province.

Possession. 16. THAT seven Years quiet Possession shall give an unquestionable Right, except in Cases of Infants, Lunatics, married Women, or Persons beyond the Seas.

Bribery. 17. THAT all Briberies and Extortion whatsoever shall be severely punished.

Fines. 18. THAT all Fines shall be moderate, and saving Mens Contentments, Merchandize or Wainage.

Marriages. 19. THAT all Marriages (not forbidden by the Law of God, as to Nearness of Blood and Affinity by Marriage) shall be encouraged; but the Parents or Guardians shall be first consulted, and the Marriage shall be published before it be solemnized, and it shall be solemnized by taking one another as Husband and Wife, before credible Witnesses, and a Certificate of the whole, under the Hands of the Parties and Witnesses, shall be brought to the proper Register of that County, and shall be registered in his Office.

Deeds to be recorded. 20. AND to prevent Frauds and vexatious Suits within the said Province, That all Charters, Gifts, Grants and Conveyances of Land (except Leafes for a Year or under) and all Bills, Bonds and Specialties, above Five Pounds, and not under three Months, made in the said Province, shall be enrolled or registered in the public Enrolment-Office of the said Province, within the Space of two Months next after the making thereof, else to be void in Law. And all Decds, Grants and Conveyances of Land (except as aforesaid) within the said Province, and made out of the said Province, shall be enrolled or registered as aforesaid, within six Months next after the making thereof, and settling and constituting an Enrolment-Office or Registry within the said Province, else to be void in Law against all Persons whatsoever.

Forgery. 21. THAT all Defacers or Corruptors of Charters, Gifts, Grants, Bonds, Bills, Wills, Contracts and Conveyances, or that shall deface or falsify any Enrolment, Registry or Record, within this Province, shall make double Satisfaction for the same, Half whereof shall go to the Party wronged; and they shall be dismissed of all Places of Trust, and be publicly disgraced as false Men.

Registers. 22. THAT there shall be a Register for Births, Marriages, Burials, Wills, and Letters of Administration, distinct from the other Registry.

23. THAT there shall be a Register for all Servants, where their Names, Time, Wages, and Days of Payment, shall be registered.

Satisfaction by Felons. 24. THAT all Lands and Goods of Felons shall be liable to make Satisfaction to the Party wronged twice the Value; and for Want of Lands or Goods, the Felons shall be Bond-men, to work in the common Prison or Work-house, or otherwise, till the Party injured be satisfied.

Estates of capital Offenders. 25. THAT the Estates of capital Offenders, as Traitors and Murderers, shall go, one Third to the next of Kin to the Sufferer, and the Remainder to the next of Kin to the Criminal.

Witnesses Perjury. 26. THAT all Witnesses, coming or called to testify their Knowledge in or to any Matter or Thing in any Court, or before any lawful Authority within the said Province, shall there give or deliver in their Evidence or Testimony, by solemnly promising to speak the Truth, the whole Truth, and nothing but the Truth, to the Matter or Thing in Question. And in case any Person, so called to Evidence, shall be convicted of wilful Falshood, such Person shall suffer and undergo such Damage or Penalty, as the Person or Persons against whom he or she bore false Witness did or should undergo; and shall also make Satisfaction to the Party wronged, and be publicly exposed as a false Witness, never to be credited in any Court, or before any Magistrate, in the said Province.

None to enjoy more than one Office. 27. AND to the End that all Officers chosen to serve within this Province may with more Care and Diligence answer the Trust reposed in them, it is agreed, That no such Person shall enjoy more than one public Office at one Time.

28. THAT

28. THAT all Children within this Province, of the Age of twelve Years, shall be taught some useful Trade or Skill, to the End none may be idle, but the Poor may work to live, and the Rich, if they become poor, may not want.

29. THAT Servants be not kept longer than their Time, and such as are careful be both justly and kindly Servants. used in their Service, and put in fitting Equipage at the Expiration thereof, according to Custom.

30. THAT all scandalous and malicious Reporters, Backbiters, Defamers, and Spreaders of false News, Slanderers, whether against Magistrates or private Persons, shall be accordingly severely punished, as Enemies to the Peace and Concord of this Province.

31. THAT for the Encouragement of the Planters and Traders in this Province, who are incorporated into a Society, the Patent granted to them by *William Penn*, Governor of the said Province, is hereby ratified and confirmed.

32. - - - - -

33. THAT all Factors or Correspondents in the said Province, wronging their Employers, shall make Satisfaction, and One Third over, to their said Employers: And in case of the Death of any such Factor or Correspondent, the Committee of Trade shall take Care to secure so much of the deceased Party's Estate as belongs to his said respective Employers.

34. THAT all Treasurers, Judges, Masters of the Rolls, Sheriffs, Justices of the Peace, and other Officers and Persons whatsoever, relating to Courts or Trials of Causes, or any other Service in the Government; and all Members elected to serve in Provincial Council and General Assembly, and all that have Right to elect such Members, shall be such as profess Faith in JESUS CHRIST, and that are not convicted of ill Fame, or unsober and dishonest Conversation, and that are of One and Twenty Years of Age at least; and that all such, so qualified, shall be capable of the said several Employments and Privileges as aforesaid.

35. THAT all Persons living in this Province, who confess and acknowledge the One Almighty and Eternal GOD to be the Creator, Upholder and Ruler of the World, and that hold themselves obliged in Conscience to live peaceably and justly in civil Society, shall in no ways be molested or prejudiced for their religious Persuasion or Practice in Matters of Faith and Worship, nor shall they be compelled at any Time to frequent or maintain any religious Worship-place or Ministry whatever.

36. THAT, according to the good Example of the primitive Christians, and for the Ease of the Creation, The Lord's Day, every first Day of the Week, called *The Lord's Day*, People shall abstain from their common daily Labour, that they may the better dispose themselves to worship GOD, according to their Understandings.

37. THAT as careless and corrupt Administration of Justice draws the Wrath of GOD upon Magistrates, so the Wildness and Looseness of the People provoke the Indignation of GOD against a Country: Therefore, that all such Offences against GOD, as Swearing, Cursing, Lying, profane Talking, Drunkenness, Drinking of Healths, obscene Words, Incest, Sodomy, Rapes, Whoredom, Fornication, and other Uncleaness, not to be repeated; all Treasons, Misprisions, Murders, Duels, Felonies, Seditions, Maims, Forcible Entries, and other Violences to the Persons and Estates of the Inhabitants within this Province; all Prizes, Stage-plays, Cards, Dice, May-games, Masques, Revels, Bull-baitings, Cock-fightings, Bear-baitings, and the like, which excite the People to Rudeness, Cruelty, Looseness and Irreligion, shall be respectively discouraged, and severely punished, according to the Appointment of the Governor and Freeman in Provincial Council and General Assembly, as also all Proceedings contrary to these Laws, that are not here made expressly penal.

38. THAT a Copy of these Laws shall be hung up in the Provincial Council, and in public Courts of Justice, and that they shall be read yearly, at the Opening of every Provincial Council and General Assembly, and Courts of Justice, and their Assent shall be testified by their standing up after the reading thereof.

39. THAT there shall be at no Time any Alteration of any of these Laws, without the Consent of the Governor, his Heirs or Assigns, and Six Parts of Seven of the Freeman, met in Provincial Council and General Assembly.

40. THAT all other Matters and Things not herein provided for, which shall and may concern the Public Justice, Peace or Safety of the said Province, and the raising and imposing Taxes, Customs, Duties, or other Charges whatsoever, shall be and are hereby referred to the Order, Prudence and Determination of the Governor and Freeman in Provincial Council and General Assembly, to be held from Time to Time in the said Province.

Signed and sealed by the Governor and Freeman aforesaid, the Fifth Day of the Third Month, called May, One Thousand Six Hundred and Eighty-two.

Soon after the Grant made by the Royal Charter aforesaid, an Assembly of the said Province and Three Lower Counties (then called the Territories) was called by the Proprietary and Governor aforesaid, which met at Chester on the Seventh Day of December, 1682, where the following Laws, among others, were passed, to wit.

An ACT of UNION, for annexing and uniting of the Counties of *New-Castle, Jones's and Whorekills*, alias *New-Dale*, to the Province of *Pennsylvania*; and of Naturalization of all Foreigners in the said Province and Counties annexed.

Preamble.

See the Proviso in the Province Charter, authorizing a Separation.

SINCE by the good Providence of GOD it hath graciously pleased King CHARLES the Second, of England, &c. for divers good Considerations, to grant, by his Letters Patents under the Great Seal of England, to WILLIAM PENN, Esq; Son and Heir of Sir William Penn, deceased, and to his Heirs and Assigns for ever, this Province of *Pennsylvania*, according to the Bounds therein expressed, with all requisite Powers for the good Government thereof, by such Laws as he and they shall make, by and with the Advice and Consent of the Freemen of the said Province, or their Deputies, not repugnant to their Faith and Allegiance to the legal Government of the said Realm: And it having also favourably pleased JAMES, Duke of York and Albany, Earl of Ulster, &c. to release his Right and Claim to all and every Part thereof, unto the said William Penn, his Heirs and Assigns; whereby he the said William Penn is become the undoubted and rightful Proprietary and Governor of the Province of *Pennsylvania*, and is hereby freely and fully so recognized and acknowledged. And as a beneficial and requisite Addition to the Territory of the said Proprietary and Governor, it hath also pleased the said JAMES, Duke of York and Albany, &c. for divers good Considerations, to grant unto the said William Penn, and his Heirs and Assigns, all that Tract of Land, from twelve Miles Northward of *New-Castle*, on the River *Delaware*, down to the *South-Cape* (commonly called *Cape Henlopen*, and by the Proprietary and Governor now called *Cape James*) lying on the West Side of the said River and Bay, formerly possessed by the Dutch, and bought by them of the Natives, and first surrendered upon Articles of Peace to the King's Lieutenant-Governor, Colonel Nicholls, and a second Time to Sir Edmund Andross, Lieutenant-Governor to the said Duke, and hath been by him quietly possessed and enjoyed; as also the said River of *Delaware*, and Soil thereof, and all Islands therein, lately cast into three Counties, called *New-Castle, Jones's and Whorekills* (alias *New-Dale*) together with all Royalties, Powers and Jurisdictions thereunto belonging, as by two Deeds of Feoffment, bearing Date the Twenty-fourth of the Sixth-Month, called *August*, 1682, doth more at large appear. And forasmuch as there must always be a People before there can be a Government, and that People must be united and free, in order to settle and encourage them, for the Prosperity of the Government; and since the Inhabitants of the Tract of Land, lately passed from the Duke as aforesaid, are not yet thereby under the same Capacity that those are that belong to the Province of *Pennsylvania*: And whereas the Freemen of the said Counties have, by their Deputies, humbly besought their present Proprietary and Governor to annex the said Counties to the Province of *Pennsylvania*, and to grant unto them the same Privileges; and that they may live under the same Laws and Government that the Inhabitants of the said Province of *Pennsylvania* now do or hereafter shall enjoy: And since the Union of two distinct People, that are under one Governor, is both most desirable in itself and beneficial to the Public, and that it cannot be so cordially and durably maintained, to the mutual Benefits of each other, as by making them equally Sharers in Benefits and Privileges, BE IT ENACTED by the Proprietary and Governor aforesaid, by and with the Advice and Consent of the Deputies of the Freemen of the Province and Counties aforesaid, in Assembly met, That the Counties of *New-Castle, Jones's and Whorekills*, alias *New-Dale*, shall be annexed, and, by the Authority aforesaid, are hereby annexed unto the Province of *Pennsylvania*, as of the proper Territory thereof; and the People therein shall be governed by the same Laws, and enjoy the same Privileges, in all Respects, as the Inhabitants of *Pennsylvania* do or shall enjoy from Time to Time therein, any Thing in this Law, or any other Law, Act or Thing in this Province, to the contrary thereof in any wise notwithstanding. And forasmuch as it is apparent that the just Encouragement of the Inhabitants of this Province, and Territories thereunto belonging, is likely to be an effectual Way for the Improvement thereof; and since some of the People that live therein, and are likely to come threinto, are Foreigners, and so not Freemen, according to the Acceptation of the Laws of England, the Consequences of which may prove very detrimental to them in their Estates and Traffic, and so injurious to the Prosperity of this Province, and Territories thereof, Be it enacted by the Proprietary and Governor of the Province and Counties aforesaid, by and with the Advice and Consent of the Deputies of the Freemen thereof, in Assembly met, That all Persons, who are Strangers and Foreigners, that now do inhabit this Province and Counties aforesaid, that hold Land in Fee in the same, according to the Law of a Freeman, and who shall solemnly promise, within three Months after the Publication hereof, in their respective County Courts where they live, upon Record, Faith and Allegiance to the King of England, and his Heirs and Successors, and Fidelity and lawful Obedience to the said William Penn, Proprietary and Governor of the said Province and Territories, and his Heirs and Assigns, according to the King's Letters Patents and Deeds aforesaid, shall be held and reputed Freemen of the Province and Counties aforesaid, in as ample and full a Manner as any Person residing therein. And it is hereby further enacted by the Authority aforesaid, That when at any Time any Person, that is a Foreigner, shall make his Request to the Proprietary and

The Three Lower Counties annexed to the Province.

All Foreigners promising Allegiance, &c. naturalized.

OBSERVATIONS.

1. *By an Act made at an Assembly, held at New-Castle, Anno 1683, this is declared to be a fundamental Law.*

2. *It was continued until the Year 1700; and then an Act of Assembly (Ch. 30) was made at New-Castle, of like Import, which repealed this Act.*

3. *The Act which repealed this was afterwards repealed, by which, according to the Rule, Wood's Inst. 9. this Act was revived, and remained in Force during the late Proprietor's Life.*

Province, and Territories thereof, *Be it enacted* by the Proprietary and Governor of the Province and Counties aforesaid, by and with the Advice and Consent of the Deputies of the Freemen thereof, in Assembly met, That all Persons, who are Strangers and Foreigners, that now do inhabit this Province and Counties aforesaid, that hold Land in Fee in the same, according to the Law of a Freeman, and who shall solemnly promise, within three Months after the Publication hereof, in their respective County Courts where they live, upon Record, Faith and Allegiance to the King of England, and his Heirs and Successors, and Fidelity and lawful Obedience to the said William Penn, Proprietary and Governor of the said Province and Territories, and his Heirs and Assigns, according to the King's Letters Patents and Deeds aforesaid, shall be held and reputed Freemen of the Province and Counties aforesaid, in as ample and full a Manner as any Person residing therein. And it is hereby further enacted by the Authority aforesaid, That when at any Time any Person, that is a Foreigner, shall make his Request to the Proprietary and

Governor

Governor of this Province, and Territories thereof, for the aforesaid Freedom, the said Person shall be admitted on the Conditions herein expressed, paying at his Admission *Twenty Shillings* Sterling, and no more, any Thing in this Law, or any other Law, Act or Thing in this Province, to the contrary in any wise notwithstanding.

Given at Chester, alias Upland, the Seventh Day of the Tenth-Month, called December, 1682, under the Hand and Broad Seal of WILLIAM PENN, Proprietary and Governor of this Province, and Territories thereunto belonging, being the Second Year of his Government, by the King's Authority.

W. P E N N.

C A P. XXXVI.

OBSERVATIONS.

AND BE IT FURTHER ENACTED, &c. That there shall be two credible Witnesses in all Cases, in order to Judgment; and all Witnesses, coming or called to testify their Knowledge in or to any Matter or Thing in any Court, or before any lawful Authority within the said Province, and Territories thereunto annexed, shall there give or deliver in their Evidence or Testimony, by solemnly promising to speak the Truth, and nothing but the Truth, to the Matter or Thing in Question. And in case any Person, so called to Evidence, shall afterward be convicted of wilful Falshood, such Person shall after undergo such Damage or Penalty, as the Person or Persons against whom he or she bore false Witness did or should undergo; and shall also make Satisfaction to the Party wronged, and be publicly exposed for a false Witness, never to be credited again in any Court, or before any Magistrate, in the said Province. And whosoever shall be convicted of Lying in Conversation shall, for every such Offence, pay *Half-a-Crown*, or suffer three Days Imprisonment in the House of Correction at hard Labour.

1. *SO much of this Law, which regards the Manner of giving Evidence, is, in Substance, the same with the 26th Law agreed on in England.*

2. *By an Act, made at the Assembly held at New-Castle, in the Year 1683, it was declared a fundamental Law.*

3. *By an Act passed at New-Castle, (Chap. 91) this Act is declared to be in Force, and thereby continued without Limitation; but the Act for Continuance of this and other Laws was after repealed; yet, as a former Law then was, and, for aught I find, yet is in Being, the Repeal of the New-Castle Act does not seem to affect this Act; but it may be considered as an Act now in Force.*

C A P. XLV.

What Wills shall convey Lands as well as Chattels.

OBSERVATION.

AND BE IT ENACTED, &c. That all Wills in Writing, attested by two sufficient Witnesses, shall be of the same Force to Lands as to other Conveyances, being legally proved within Forty Days, either within or without the Province.

BEFORE the Proprietary and the Adventurers concerned with him left England, divers Laws were there agreed on, the 15th of which was the same with the present.

This Act, as amended in the Fourth of Queen ANNE, remains to this Day.

C A P. LI.

How Lands and Goods shall pay Debts.

OBSERVATIONS.

AND BE IT ENACTED, &c. That all Lands and Goods shall be liable to pay Debts, except where there shall be legal Issue, and then all the Goods, and one Half of the Land only, in case the Land was bought before the Debts were contracted.

1. *By the 14th Law made in England, all the Goods, and a Third of the Land only, where a Man had Issue, was liable to pay Debts; this Act renders Half the Lands in such Cases*

liable. 2. This Act continued to the Tenth of the Third-Month, 1688: The 111th Chap. postea, altered it; and then, by an Act passed at Philadelphia, all Lands were made liable to be taken in Execution, and sold for Payment of Debts, tho' there were Issue, which, under certain Regulations, remains in Force to this Day.

C A P. LXII.

The ACT of SETTLEMENT.

WHEREAS WILLIAM PENN, Proprietary and Governor of the Province of *Pennsylvania*, and Territories thereunto belonging, hath, out of his great Kindness and Goodness to the Inhabitants thereof, been favourably pleased to give and grant unto them a Charter of Liberties and Privileges, dated the 25th Day of the *Second-Month*, 1682; by which Charter it is said, that the Government shall consist of the Governor and Freemen of the said Province, in the Form of a Provincial Council and General Assembly; and that the Provincial Council shall consist of Seventy-two Members, to be chosen by the Freemen; and that the General Assembly may, the first Year, consist of the whole Body of Freeholders, and ever after of an elected Number, not exceeding Two Hundred Persons, without the Consent of the Provincial Council and General Assembly; and such Assembly to sit yearly, on the Twentieth Day of the *Third-Month*, *May*, as in the first, second, third, sixth, fourteenth and sixteenth Articles of the Charter, Reference being thereunto had, doth more at large appear. And forasmuch as this Charter was the first of those probationary Laws, that were agreed to and made by and between the Proprietary and Governor and the Freeholders in *England*, Purchasers in this Province, which said Laws, in the whole, and every Part thereof, were to be submitted to the Explanation and Confirmation of the first Provincial Council and General Assembly that was to be held in this Province, as by the Title, and first Law of the said Agreement, doth plainly appear. And whereas the Proprietary and Governor hath, according to that Charter, issued out Writs to the respective Sheriffs of the six Counties of this Province, to

summon

summon the Freemen thereof to choose in each County Twelve Persons, of most Note for their Sobriety, Wisdom and Integrity, to serve in Provincial Council; and also to inform the Freemen, that they might come for this Time in their own Persons, to make up a General Assembly, according to Charter; and that the said respective Sheriffs, by their Returns, and the Freemen, by their Petitions to the Proprietary and Governor, have plainly declared, that the Fewness of the People, their Inability in Estate, and Unskilfulness in Matters of Government, will not permit them to serve in so large a Council and Assembly, as by the Charter is expressed; and therefore do desire, that the Members now chosen to be their Deputies and Representatives, may serve both for Provincial Council and General Assembly, that is to say, three out of each County for the Provincial Council, and the remaining nine for the General Assembly, according to act as fully and amply, as if the said Provincial Council and General Assembly had consisted of the said Numbers of Members mentioned in the Charter of Liberties; upon Consideration of the Premises, and that the Proprietary and Governor may testify his great Willingness to comply with that which may be most easy and pleasing to the People, he is willing that it be enacted, *And it is enacted* by the Proprietary and Governor, by and with the unanimous Advice and Consent of the Freemen of this Province, and Territories thereunto belonging, in Provincial Council and General Assembly met, That the Numbers desired by the Inhabitants in their several Petitions, and expressed to be their Desires by the Sheriffs Returns to the Proprietary and Governor, to serve as the Provincial Council and General Assembly, be allowed and taken, to all Intents and Purposes, to be the Provincial Council and General Assembly of this Province. And that the Quorums shall be proportionably settled, according to the Method expressed in the fifth Article; that is to say, *Two Thirds to make a Quorum in extraordinary Cases*, as is provided in the said fifth Article; which said Provincial Council and General Assembly so already chosen, are and shall be held and reputed the legal Provincial Council and General Assembly of this Province, and Territories thereof, for this present Year: And that from and after the Expiration of this present Year, the Provincial Council shall consist of three Persons out of each County as aforesaid, and the Assembly shall consist of six Persons out of each County; which said Provincial Council and General Assembly may be hereafter enlarged, as the Governor, Provincial Council and Assembly shall see Cause, so as the said Number do not at any Time exceed the Limitations expressed in the third and sixteenth Articles of the Charter, any Thing in this Act, or any other Act, Charter or Law to the contrary in any wise notwithstanding. And because the Freemen of this Province, and Territories thereof, are deeply sensible of the good and kind Intentions of the Proprietary and Governor in this Charter, and of the singular Benefit that redounds to them thereby, and are desirous that it may in all Things best answer his Design for the public Good, the Freemen of the said Province, and Territories thereof, in Provincial Council and General Assembly met, having unanimously requested some Variations, Explanations and Additions, of, in and to the said Charter, he the Proprietary and Governor hath therefore yielded that it be enacted, *And it is hereby enacted*, That the Time for the Meeting of the Freemen of this Province, and Territories thereof, to choose their Deputies to represent and serve them in Provincial Council and General Assembly, shall be yearly hereafter on the Tenth Day of the *First Month (March)*; which Members so chosen for the Provincial Council shall make their Appearance, and give their Attendance in Provincial Council within twenty Days after their Elections; and the said Members elected to serve in General Assembly shall yearly meet and assemble on the Tenth Day of the said *Third Month*, to the End and Purposes declared in the Charter, at and in such Place as is limited in the said Charter, unless the Governor and Provincial Council shall at any Time see Cause to the contrary. And whereas it is expressed in the said Charter, that the Governor and Provincial Council shall prepare and propose to the General Assembly all Bills which they shall think fit to pass into Laws within the said Province, *Be it enacted by the Authority aforesaid*, That the Governor and Provincial Council shall have the Power of preparing and proposing to the General Assembly, all Bills which they shall jointly assent to, and think fit to have passed into Laws in the said Province, and Territories thereof, that are not inconsistent with, but according to, the Powers granted by the King's Letters Patents to the Proprietary and Governor aforesaid; which Bills shall be published in the most noted Towns or Places in the said Province, and Territories thereof, twenty Days before the Meeting of the General Assembly aforesaid. And for the better Decision and Determination of all Matters and Questions in Provincial Council and General Assembly, *It is hereby enacted*, That all Questions upon Elections of Representatives, and Debates in Provincial Council and General Assembly, in personal Matters, shall be decided by the Ballot; and all Questions about preparing and enacting of Laws shall be determined by the Vote. And that so united an Interest may have an united Term or Style to be expressed by, *It is hereby declared and enacted*, That the General Assembly shall be henceforth termed or called, *The Assembly*; and the Meeting of the Governor, Provincial Council and Assembly, and their Acts and Proceedings, shall be styled and called, *The Meetings, Sessions, Acts or Proceedings of the General Assembly of the Province of Pennsylvania, and the Territories thereunto belonging*. And that the Freemen of this Province, and Territories thereof, may not on their Parts seem unmindful or ungrateful to their Proprietary and Governor, for the Testimony he hath been pleased to give of his great Good-will towards them and theirs, nor be wanting of that Duty they owe to him and themselves, they have prayed Leave hereby to declare their most hearty Acceptance of the said Charter, and their humble Acknowledgments for the same, solemnly promising that they will inviolably observe and keep the same (except as is therein excepted;) and they will neither directly nor indirectly contrive, propose, enact, or do any Thing or Things whatsoever, by Virtue of the Power thereby granted unto them, that shall or may redound to the Prejudice or Disadvantage of the Proprietary and Governor, his Heirs and Successors, in their just Rights, Properties and Privileges, granted to him and them by the King's Letters Patents, and Deeds of Release and Feoffment, made to him by JAMES, Duke of York and Albany, &c. and whom they desire may be hereby recognized and acknowledged the true and rightful Proprietaries and Governors of this Province of *Pennsylvania*, and Territories thereunto annexed, according to the King's Letters Patents, and Deeds of Release and Feoffment from JAMES, Duke of York and Albany, &c. unto the said Proprietary and Governor, his Heirs and Successors, any Thing in this Act, or any other Act, Grant, Charter or Law to the contrary of these Things herein and hereby explained, altered, limited, promised, declared and enacted, in any wise notwithstanding.

Quorum settled.

Provincial Council regulated.

Times of Meeting appointed.

Governor and Council to prepare Bills;

which shall be published, &c.

Personal Matters to be decided by Ballot, &c.

Name or Style of the Assembly, &c.

Charter accepted.

At an Assembly held at Philadelphia, in the Province of Pennsylvania, the Tenth Day of the First Month, March, 1683, the following Acts, among others, were passed, to wit.

C A P. LXXVIII.

Forms of Grants of Estates of Inheritance for Life, Lives or Years.

BE IT ENACTED, &c. That for avoiding long and tedious Conveyances and the many Contentions which may arise about the Variety of Estates, all Grants of Estates shall be either of the Inheritance, or for Life or Lives, or for Years, any Number not exceeding fifty Years, which Grants shall be thus contracted in these Words, A. B. the &c. Day of &c. in the Year according to the English Account 16, &c. from him, and his Heirs and Assigns, grants his [*describe the Bounds*] with all its Appurtenances, lying in the County of &c. containing Acres, or thereabouts, to C. D. and his Heirs (if in Fee) or to E. F. for his Life (if for Lives) or to G. H. for one hundred Years, if I. K. L. M. N. O. shall so long live, or to P. Q. for fifty Years, for the Consideration of Pounds in Money paid, and of the yearly Rent to be paid to A. B. and his Heirs and Assigns, upon the &c. Day of &c. In *Witness* whereof he sets his Hand and Seal. Sealed and delivered in the Presence of R. S. T. Acknowledged in open Court, and certified under the Clerk's Hand and Court-Seal, the &c. Day of &c. 16, &c. and registered the &c. Day of &c. 16, &c.

C A P. LXXIX.

Form of Possession in transferring of Titles, &c. &c.

BE IT ENACTED, &c. That all Deeds of Sale, Mortgages, Settlements, Conveyances, except Leases for a Year, shall be declared and acknowledged in open Court; and the Form of Possession in transferring of Titles shall be by the Party, or his Attorney, delivering the said Deed of Gift in open Court into the Hands of him, or his Attorney, to whom it is made, and that to stand good to all Intents and Purposes.

C A P. CIX.

How the Estate of any Person shall be disposed of at his Death.

BE IT ENACTED, &c. That whatsoever Estate any Person hath, in this Province or Territories thereof, at the Time of his Death, unless it appear that an equal Provision be made elsewhere, shall be thus disposed of; that is to say, One Third to the Wife of the Party deceased, One Third to the Children equally, and the other Third as he pleaseth, and in case his Wife be deceased before him, two Thirds shall go to the Children equally, and the other Third to be disposed of as he shall think fit, his Debts being first paid.

OBSERVATIONS. Intestates Estate.
1. **T**HIS Act seems to restrain the Power of devising more than one Third of the Lands of which a Man died seized.
2. This Law, for aught I find to the contrary, continued until the First of the Fourth Month, 1693, when a Law passed, authorizing a Man to devise all his real Estate.

C A P. CX.

How the Estate of an Intestate shall be disposed of.

BE IT ENACTED, &c. That the Estate of an Intestate shall go to his Wife, his Child or Children, and if he leave no Wife, Child or Children, it shall go to his Brothers and Sisters, if any be, or to the Children of such Brothers or Sisters: And in case no such be, one Half shall go to the Parents, and the other Half to the next of Kin: And for Want of Parents, one Half shall go to the Governor, and for Want of Kin, the other Half to the Public. *Providing always*, That the Time of claiming exceed not three Years after the Death of such Intestate. Vide Cap. 172.

At an Assembly held at New-Castle, the Tenth of the Third Month, May, 1684, it was enacted, among other Things.

C A P. CLVIII.

THAT there shall be five Provincial Judges appointed by the Governor, under the Great Seal of this Province; which Judges, or any three of them, shall be a Provincial Court, and sit twice every Year in the Town of Philadelphia; and any two of them at least shall, every Fall and Spring, yearly, go the Circuits into every respective County of this Province and Territories, and there hold a Provincial Court, which Court, whether fixed or circular, shall have the Hearing and Determining of all Appeals from inferior Courts, also all Trials of Titles of Land, and all Causes, as well criminal as civil, both in Law and Equity, not determinable by the respective County Courts; any Thing in this, or in any other Act or Law of this Province or Territories, to the contrary in anywise notwithstanding.

OBSERVATION.
THIS Law continued till the Year 1693, when a new Act was made, giving the County Courts an equitable Power in Causes under Ten Pounds; and an Appeal from thence against Verdicts or Judgments to the next Supreme Court, &c. which last Law was continued by Cap. 91 of the Laws made at New-Castle, and remained in Force until the 26th of October, 1701, when a new Act passed for establishing of Courts, &c.

C A P. CLXXII.

How the Estate of an Intestate shall be disposed of.

Intestates Estate.

OBSERVATIONS.

1. *FROM the Passing of this Act the Course of the Descents of Land was altered: The eldest Son, by this Act (where there were other Children) taking a double Share only.*

2. *By this Act, it seems, where there were no Children, the Brothers and Sisters, or their Children (where such there were) of the Intestate, took a joint Estate; and where there were none, the Parents took Half the Estate.*

3. *This Act continued to the Year 1693, and then it received some Alterations; amongst others, where there were no Children, Brothers or Sisters, or their Issue, were to inherit; and if there were none of these, it was to go to the Parents: And for Want of Kindred, one Half to the Governor, the other Half to the County Stock.*

4. *The last mentioned Act continued until 1700; which see postea.*

THAT the Estate of an Intestate shall be thus disposed of, *That is to say*, One Third of his personal Estate shall go to his Wife, and further, one Third of his Lands and Tenements to his Wife, during her natural Life, the Remainder, together with the other two Thirds of his Estate, shall go to his Children, his eldest Son having a double Part or Share; and in case the Intestate leaves no Child, then Half the personal Estate to the Widow, and the Moiety of the real Estate during her natural Life, the Remainder thereof to the next of her Husband's Kin. And if he leaveth no Wife, Child or Children, it shall go to his Brothers and Sisters, if any be, or to the Children of such Brothers and Sisters; and in case no such be, one Half shall go to the Parents, and one Half shall go to the Governor. And for Want of Kin, the other Half to the Public Stock of the County. And the Estate of an intestate Widow shall go to her Child or Children, to be divided and shared as before; and if she leave no Child or Children, the Estate to be disposed of as aforesaid, if any be. And the Estate of an intestate single Man or Woman shall go to his or her Brother and Sister, if any be, and for Want of such, as before limited. *Provided*, that his or her Debts be first paid; and that the Time of claiming be within three Years after the Decease of the intestate Party.

At a General Assembly held at Philadelphia, the Tenth of the Month called May, 1688, the following Laws, among others, were passed.

C A P. CLXXXVIII.

In what Cases the Orphans Court, with Consent of the Governor and Council, may sell Intestates Lands.

Orphans Court.

OBSERVATION.

THIS Act was continued to the Year 1693 (see hereafter) when Executors and Administrators were authorized to sell without the Application here directed.

the defraying of such just Debts, the Education of such Child or Children, Support of the Widow, and the better improving the Remainder of the Estate to their Advantage, and that this Law continue and be in Force for one whole Year, and no longer.

BE IT ENACTED, &c. That any Person, who died or shall die intestate, being Owner of Lands within this Province or Territories, and hath left or shall leave legal Issue, it shall be lawful for the Court of Orphans, with the Approbation of the Governor and Council, to empower the Widow or Administrator, in case of considerable Debts, Charge of Child or Children, to make Sale of such Parts or Tracts of the said Land as the Council and Court shall Judge meet, direct towards

C A P. CLXXXIX.

Lands liable to pay Debts.

Lands liable to pay Debts.

FORASMUCH as, by a Law made at Upland, it was enacted, That all Lands were made liable to pay Debts, with such Restrictions and Limitations as are therein expressed; for the fuller and more satisfactory Explanation and Alteration of the same, *It is hereby Enacted*, That all Lands whatsoever and Houses shall be liable to Sale, upon Judgment and Execution obtained against the Defendant, his Heirs, Executors or Administrators, with this due Proviso, that the Messuage and Plantation with its Appurtenances, upon which the Defendant is chiefly seated, may not be exposed to Sale till the Expiration of one Year after the Judgment obtained, to the Intent that the Owner, or any on his Behalf, may endeavour the Redemption of the same, and before such Sale shall be made, the Appraisement thereof shall be by Twelve honest and discreet Men of the Neighbourhood; and that after such Sale and Appraisement as aforesaid, the Lands shall be and remain as a free and clear Estate to the Purchaser or Creditor, his Heirs and Assigns for ever, as ever it was to the Debtor. *Provided always*, that lawful Interest be allowed to the Creditor from the Time of the said Judgment obtained, until the said Time of Sale or Satisfaction. *Provided also*, that the chief Plantation or Messuage shall be the last to be executed. And that this Law continue for one whole Year, and till the Rising of the next General Assembly, and until Twenty Days after, and no longer.

C A P. CXC.

Recording of Writings.

Deeds to be recorded.

FORASMUCH as the Forty-fourth Chapter of Laws enjoins the Recording of all Charters, Gifts, Grants, Conveyances of Land, Bills, Bonds, and such Writings therein mentioned, and within the Time therein expressed, otherwise to be void in Law. *It is hereby enacted*, &c. That for the Prevention of great Inconveniences, and for the Satisfaction of several Owners of Lands, that all such Charters, Gifts, Grants, and Conveyances of Lands, Bills, Bonds and such Writings, though they are neither recorded, nor recorded according

cording to Law, yet they are hereby indemnified, and are declared as good and authentic as if they had been duly inrolled and registered. *Provided always*, That all Gifts, Grants and Conveyances of Lands, or sufficient Memorandums of the same, in this Government, but made out of the same, may be brought to be recorded in the Inrollment-Office within Twelve Months; and all such Instruments made of Lands within this Province or Territories may be brought to be registered within six Months, otherwise to be void, as in the said Law is declared: And further, it is the full Intent and true Meaning of this Law, that no Bills, Bonds or Specialties, shall be required to be recorded under the Penalty mentioned, but that all such Bills, Bonds and Specialties, which shall be inrolled or recorded in the said Office, the Record of the same shall in all Courts of Judicature be allowed and adjudged as valid as the Original. And that this Law continue for one whole Year, and till the Rising of the next General Assembly, and until Twenty Days after, and no longer.

A P E T I T I O N O F R I G H T.

To Benjamin Fletcher, Captain-General and Governor in Chief in and over the Province of Pennsylvania, and Country of New-Castle, &c.

We, the Freemen of the said Province and Country, in General Assembly met, Humbly shew,

THAT WHEREAS the late King *Charles* the Second, in the Three and Thirtieth Year of his Reign, by Letters Patent under the Great Seal of *England*, did (for the Consideration therein mentioned) grant unto *William Penn*, and his Assigns, this Colony or Tract of Land, thereby erecting the same into a Province, calling it *Pennsylvania*, and constituting the said *William Penn* absolute Proprietary of the said Province (saving amongst other Things the Sovereignty thereof) thereby also granting unto the said *William Penn*, his Deputies and Lieutenants, by Virtue of the said Royal Charter, full, free and absolute Power, by and with the Assent of the Freemen of the said Province, to make, enact and publish any Laws whatsoever, for any End, appertaining either to the public State, Peace or Safety of the said Country, or unto the private Utility of particular Persons, according to their best Discretion. Which Laws, so as aforesaid made and published, the said late King did, by the said Letters Patent, enjoin, require and command, should be most absolute and available in Law, and that all the liege People and Subjects of the said late King, his Heirs and Successors, should observe and keep the same inviolably in these Parts. But that the Laws for regulating and governing of Property within this Province, and likewise as to Felonies, might be and continue the same as they should be, for the Time being, by the general Course of the Law of *England*, until the said Laws should be altered by the said *William Penn*, and by the Freemen of the said Province, their Delegates or Deputies, or the greater Part of them.

Petition to the Governor to put the Laws in Execution.

AND to the End the said *William Penn*, or the Inhabitants of this Province, might not at any Time thereafter, by Misconstruction or Colour of the Powers aforesaid, or by Pretence of the said Laws thereafter to be made, through Inadvertency or Design, depart from the Faith and Allegiance, which, by the Laws of *England*, they and all the King's Subjects in his Dominions always owe to him, his Heirs and Successors, He, the said late King did, by his Letters Patent, declare it to be his further Will and Pleasure, that a Duplicate of all the Laws, so as aforesaid made and published, should, within five Years after the making thereof, be transmitted and delivered to the King's Privy-Council for the Time being. And if any of the said Laws, within the Space of six Months after that they were so transmitted, should be declared by the said King, his Heirs or Successors, or his or their Privy Council, inconsistent with the Sovereignty or lawful Prerogative of the said King, his Heirs or Successors, or contrary to the Faith and Allegiance due to the legal Government of *England* from the said *William Penn*, or the Planters and Inhabitants of the said Province, and that thereupon any of the said Laws were adjudged and declared to be void by the said King, his Heirs or Successors, under his or their Privy-Seal, that then, and from thenceforth, such Laws, concerning which the said Judgment and Declaration were made, should become void, otherwise the Laws so transmitted should remain and stand in full Force, according to the true Intent and Meaning thereof.

BY VIRTUE of which Letters Patent, and pursuant to the Powers, Provisoes and Restrictions therein specified, divers reasonable and wholesome Laws were made, transmitted and presented to the said King and Privy Council.

AND WHEREAS the King and Queen that now are over *England*, &c. by their Letters Patent, under their Great Seal, dated the One and Twentieth Day of *October*, in the fourth Year of their Reign, having (for the Reasons therein mentioned) taken the Government of this Province and Country into their own Hands, and under their immediate Care and Protection, did think fit to constitute and appoint thee, the said *Benjamin Fletcher*, to be their Captain-General and Governor in Chief in and over the same, thereby requiring thee, amongst other Things, to do and execute all Things in due Manner that shall belong to thy Command, and the Trust reposed in thee by the said King and Queen, according to such reasonable Laws and Statutes as then were in Force, or thereafter should be made and agreed upon by thee, with the Advice and Consent of the Council and Assembly of this Country.

NOW FORASMUCH as the Laws of this Government, so made and transmitted as aforesaid, have not been hitherto adjudged or declared (either by the late King and Council, or by his Successors, the said King and Queen and their Council, under his or their Privy Seal) to be void, so that such of the said Laws as were not discontinued or repealed by the Legislative Authority of this Government are still in Force.

AND seeing it hath pleased the said King and Queen so tenderly to regard the happy Government and Comfort, as well as Protection, of this Province and Country, as to conserve those our Laws and Constitutions so fitly accommodated to our Circumstances (with respect to tender Consciences, as well as Commerce and Cultivation) we can do no less, than with Gratitude and Sincerity acknowledge their Royal Bounty and peculiar Favour therein, earnestly desiring, that thou would be pleased (according to the Tenor and most favourable Direction

Direction of thy Commission) to govern us, and cause the Administration of Justice within this Government to be agreeable with these following Laws, which are now in Force as aforesaid, *That is to say,*

The 1st Law, concerning Liberty of Conscience; the 2d Law, concerning Qualification of Members of Assembly; the 3d and 4th Laws, against Swearing; the 5th and 83d Laws, against profane Speaking; the 6th Law, against Cursing; the 7th Law, against Adultery; the 8th Law, against Incest; the 11th Law, against Polygamy; the 12th and 83d Laws, against Drunkenness; the 13th and 169th Laws, against such as suffer Drunkenness in their Houses, and about Ordinaries; the 14th Law, against Drinking Healths; the 17th Law, against Breaking into Houses; the 19th Law, against forcible Entry; the 20th Law, against Rioters; the 21st Law, against menacing Parents; the 22d Law, against menacing Magistrates; the 23d Law, against menacing Masters or Mistresses; the 25th Law, against challenging to fight; the 26th and 27th Laws, against rude Sports, Plays and Games; the 28th Law, against Sedition; the 30th Law, against Spreaders of false News; the 31st and 121st Laws, against Scolding; the 35th Law, concerning Days of the Week, Month, &c. the 37th Law, about Pleading in English; the 38th Law, about Trial by Twelve Men; the 39th, 123d and 150th Laws, about Fees, Bribery and Extortion; the 41st Law, about Defalcation; the 42d, 74th and 167th Laws, about Arrests; the 43d Law, about verbal Contracts; the 45th and 46th Laws, about Wills; the 50th Law, against Defacers of Charters, &c. the 53d Law, about Goalers; the 54th Law, about Prisons; the 55th Law, about false Imprisonment; the 56th Law, about the Manner of Punishments; the 58th Law, about free Elections; the 59th Law, about Taxes; the 64th Law, about Liberty and Property; the 66th Law, about Summons and Court Proceedings; the 72d Law, about Derogators of Judgments of Courts; the 74th Law, about making Debtors pay by Servitude; the 75th Law, against Barrators; the 77th Law, about Orphans Courts; the 79th Law, about acknowledging Deeds in Court; the 80th Law, about seven Years Possession; the 81st Law, about County Seals; the 82d Law, about counterfeiting Hands and Seals; the 84th Law, about viewing Pipe Staves; the 90th Law, against taking away Boats or Canoes; the 91st and 184th Laws, about Fences; the 93d Law, about firing Woods; the 96th Law, about Hog Stealing; the 100th Law, about Cartways; the 101st Law, about Houses of Correction; the 102d Law, about Weights and Measures; the 108th Law, about Departers out of the Province; the 114th Law, about buying Land of Natives; the 118th Law, against Murder; the 119th Law, about binding to the Peace; the 120th Law, against Fornication; the 125th Law, about assigning Bills and Specialties; the 126th Law, about Bills of Exchange; the 132d Law, against trusting Mariners; the 134th Law, about Passes; the 135th Law, against selling servants out of the Province; the 136th Law, against attaching Servants; the 137th Law, about entertaining Servants; the 138th Law, about trucking with Servants; the 153d and 180th Laws, about Run-away Servants; the 146th Law, about summoning Juries; the 149th Law, about exporting Horses; the 156th Law, about Monthly Courts; the 164th and 165th Laws, about Robbing and Stealing; the 168th Law, about Appraisers; the 177th Law, about Juries not appearing; the 178th Law, about removing Land Marks; the 181st Law, about Debts payable in Country Produce; the 183d Law, about tanning Leather; the 187th Law, against Usury; the 188th Law, about Sale of Intestates Land by the Widow or Administrator; the 189th Law, about taking Lands in Execution for Debts, &c. the 194th Law, against Witnesses refusing to give Evidence being summoned; the 198th Law, about the Dyke of *New-Castle*; the 199th Law, against Rangers; the 200th Law, about determining Debts under *Forty Shillings*; the 201st Law, about the Registry kept by religious Societies; the 203d Law, concerning the Surveyor General's Fees.

All which said Laws and Chapters, and every Part thereof, we humbly desire that thou wilt be pleased to cause thy Officers and Ministers to observe, and put in due Execution, as they tender the Honour of God, the King's Commands, the Prosperity of this Government, and the Rights and Liberties of the free People thereof, which said Laws and Chapters hereafter follow in these Words, *That is to say,*

By his Excellency Benjamin Fletcher, Captain-General and Governor in Chief of the Province of New-York, Province of Pennsylvania, and Country of New-Castle, and the Territories and Tracts of Land depending thereon in America.

Governor's Proclamation.

THESE are in their Majesties Name to require and command all Justices, Sheriffs, Constables, and other Officers within the Province of *Pennsylvania*, and Country of *New-Castle*, That they do execute, or cause to be put in Execution the aforesaid Laws, until their Majesties Pleasure shall be further known. Given under my Hand, this first Day of *June*, Anno Domini 1693.

BEN. FLETCHER.

At a General Assembly held at Philadelphia, on the 15th Day of May, and the first Day of June, in the Year 1693, the following Acts, among others, were passed.

The Law about Factors, and their Employers.

OBSERVATIONS.

1. *A LAW of like Import with Part of this was agreed on in England, Numb. 36.*

2. *It was confirmed by the first Assembly, held in the Year 1682, and continued until the making of this Act.*

TO the Intent that the Estates of Factors or Correspondents shall make good all just Debts due to their Employers, and that the Estates or Effects of Merchants or Employers shall discharge all just Debts due to their Factors or Correspondents, BE IT ENACTED by the Authority aforesaid, That all Factors or Correspondents, in this Province or Territories, defrauding their Employers, shall make Restitution, and one Third over, to the said Employers. And in case any Factor

Factor shall die, and shall not leave sufficient Estate to pay his Debts, it shall be lawful for the respective Court, or any two Justices of the Peace, to secure the Goods, proper Credits and Effects of his Employer or Employers, for his or their proper Use or Uses, and give due and speedy Notice thereof accordingly to the said Employers, to the End that they may receive the Sum, paying necessary Charges, in case any Factor, Attorney or Correspondent, shall contract any Debts, or really disburse any Sums of Money or other Things for the carrying on his Employer's Affairs according to Order and Direction, either within this Province and Territories, or Parts adjacent: And also, that if such Employers shall order out, dispose of or sell their Effects and Estates, without making Satisfaction to their said Factors or Correspondents for all such Debts or Things due and laid out as aforesaid, unless Provision be thereupon made for the Payment thereof, such Sale shall be of no Effect until the same be discharged; and that the respective County Courts, in all such Cases, upon Complaint entered, and sufficient Proof made of such Debts and Dues, in open Court, may pass Judgment against such Employers for the same, with Costs and Damages, and award Execution for the same.

3. *This Act being not limited, in respect to Time, nor (that I have found) altered or repealed by any subsequent Act, seems to be in Force at this Day.*

The Law about Testates and Intestates Estates.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all real Estates and Lands, Tenements and Hereditaments, and all personal Estates, which any Person hath in this Province and Territories at the Time of his Decease, shall be liable, either by Conveyance or Bill of Sale, duly executed by the lawful Executor or Administrator of such deceased, and approved and acknowledged in open Court, according to Law, or by Judgment, and Order of the respective Courts of Record, upon due Procedure therein had, to be seized and sold for Payment of the Decedents just Debts, so far as the same Estate shall extend, in due Order of Law; That is to say, first Funeral Expences, then Debts and Duties due to the Governor; then Judgments, then Debts by Recognizance, then Debts by Obligation, then Bills, then Rents, then Servants and Workmens Wages, then Merchants Books, lately contracted, and Promises by Word, Arrears of Accounts, and such like; which said Sale and Seizures are hereby declared to be binding and conclusive against such Deceaseds, and their Heirs, and all claiming under them.

maintaining the Descent of Lands, &c. whereby Executors and Administrators are authorized to sell their Testators or Intestates Lands in Manner directed by this Act: The other Act, which passed the same Session, is entituled, An Act to empower Widows and Administrators to sell so much of the Lands of Intestates, as may be sufficient to clear their Debts, &c. Which last mentioned Act provides, that Widows or Administrators may sell so much Lands of Intestates (where there is not sufficient personal Estate) as the Orphans Court shall think fit, for Payment of Debts, Education of Children, and Improvement of the Residue.

4. *These Acts continued till the 13th of the Twelfth-Month, 1705, and then were repealed.*

AND after all Debts are paid as aforesaid, then the Surplusage or Residue, if any be, of all the Testators said personal Estate shall be by the Executors divided, and proportionably distributed according to their last Wills. And that the Surplusage or Residue of an Intestate's personal Estate (all Debts being paid as aforesaid) shall be thus disposed of and distributed, to wit, One Third Part thereof to the Wife of the Intestate, the Residue amongst his Children, and such as legally represent them (if any of them be dead) the eldest Son having a double Part or Share: And if there be no Children, nor legal Representatives of them, one Moiety shall be allotted to the Wife, the Residue equally to the next of Kindred to the Intestate in equal Degree, and those who represent them: And if the Intestate leaveth no Wife, Child or Children, it shall go to his Brothers and Sisters, if any be, or to the Children of such Brothers and Sisters: And in case no such be, it shall go to the Parents: And for Want of Kindred, the one Half to the Governor for the Time being, and the other Half to the Public Stock of the County where such Estate lieth. And the personal Estate of an intestate Widow shall go to her Child or Children, the same to be disposed of as aforesaid. And the personal Estate of a single Man or Woman, dying intestate, shall go to his and their Brothers and Sisters, if any be; and for Want of such, then as before limited. *Provided always*, That where such Testators or Intestators said personal Estates are sufficient to pay all Debts and Damages, owing by them at the Time of their Decease, with all Charges incident thereunto, that then their respective real Estate aforesaid shall be disposed of and distributed in Manner following; That is to say, all Testators real Estate to be invested and remain as their last Wills and Testaments devise the same; and One Third Part of all Intestates Lands and Tenements to the Wife for her Life, the Residue and Remainder thereof to be allotted and distributed in the same Manner as the Surplusage of the Intestates personal Estate, as above limited and directed.

ALL which Distributions of the Remainders and Surplusages, as well of the Testates as Intestates Estates, are to be made by the Register-General for the Time being, within twelve Months after the Decedents Death. And every one to whom any Shares shall be allotted shall give Bond, with Securities, to the said Register-General, that if Debts afterwards be made to appear, he or she shall refund his or her rateable Part thereof, and of the Executors or Administrators Charges accruing thereby.

AND that all such of the Intestates Relations and Persons concerned, who shall not lay legal Claims to the said Estates within three Years next after the Decease of the intestate Party, shall be debarred for ever.

OBSERVATIONS.

THIS Act continued to the Year 1694, when another Act was made, authorizing Sales of Lands to be made by the Widow or Administrators, with the Leave of the Governor and Council, or the County Court, where there were Debts to be paid, a Charge of Children, or it was necessary for the Improvement of the Residue of the Estate: Which last Law continued to the Year 1696.

2. But then the first Law was revived, which enabled Executors or Administrators to sell for Payment of Debts, and continued in Force from the Year 1696 to the 27th of November 1700.

3. At which Time two Acts passed, the first entituled, An Act for ascer-

Lands, &c. may be sold for Payment of Decedents Debts.

Order of Payment.

Surplusage how to be disposed of.

Upon Receipt of distributive Shares, Bond to be given.

When Claims shall be barred.

Executors and
Guardians to
give Bond.

And be it further enacted by the Authority aforesaid, That all Executors, and Guardians to Persons under Age, shall give sufficient Bond to the Court of Orphans, in the Precincts where they live, faithfully to discharge their Trust; and that the said Obligations shall stand in full Force and Virtue till they have passed their Accounts in Court, and are legally discharged. And if any Man shall refuse this honest Care and Charge in the Government, unless he have five Children to take Care of, or is already Executor to one Will, or hath Persons nearer related to him, who, in all Likelihood, will impose that Charge upon him, he shall be fined at the Discretion of the aforesaid Court, who shall appoint one to administer in the Room of such Person, to the Ends expressed in the Will of the Testator.

The Law about the Recording of Deeds.

TO prevent any Damage or Inconveniency that may arise for not recording of Deeds, Gifts, Grants and Charters, enjoined by the late Laws of this Government, **BE IT ENACTED** by the Authority aforesaid, That such Writings, though they were never recorded nor enrolled according to Law, yet they are hereby indemnified, and are declared as good and authentic as if they had been duly entered and enrolled: And it is the true Meaning of this Act, that no Deeds or other Writings shall be required to be recorded; but that such Deeds and Writings as shall be enrolled or registered in the Rolls-Office, and the Exemplification of the Records of the same, in all Courts of Judicature, shall be allowed and judged as valid as the Original.

At a General Assembly held at Philadelphia, in the Year 1694, the following Acts, among others, were passed, viz.

The Law about taking Land in Execution for Debts, &c.

FORASMUCH as by a Law made at *Upland* it was enacted, That all Lands were made liable to pay Debts, with such Restrictions and Limitations as are therein expressed; for the fuller and more satisfactory Explanation and Alteration of the same, **IT IS HEREBY ENACTED**, That all Lands whatsoever, and Houses, shall be liable to Sale upon Judgment and Execution obtained against the Defendant, his Heirs, Executors or Administrators; with this due Proviso, that the Messuage and Plantation, with its Appurtenances, upon which the Defendant is chiefly seated, may not be exposed to Sale till the Expiration of one Year after the Judgment obtained, to the Intent that the Owner, or any on his Behalf, may endeavour the Redemption of the same. And before such Sale shall be made, the Appraisement thereof shall be by twelve honest and discreet Men of the Neighbourhood; and that after such Sale and Appraisement as aforesaid, the Land shall be and remain as a free and clear Estate to the Purchaser or Creditor, his Heirs and Assigns for ever, as ever it was to the Debtor. *Provided always*, That lawful Interest be allowed to the Creditor from the Time of the said Judgment obtained until the said Time of Sale or Satisfaction. *Provided also*, That the chief Plantation or Messuage shall be the last to be executed.

Principal Messuage not to be sold within one Year.

NOTE. *A similar Law to the above was passed at an Assembly held at Philadelphia, the Tenth Day of the Third-Month 1688, to continue " for the Term of one whole Year, and till the rising of the next " General Assembly, and until twenty Days after, and no longer."*

The Law about Sale of Intestates Lands by the Widow or Administrator.

Widow or Administrator of Intestates may sell Lands, &c.

BE IT ENACTED by the Authority aforesaid, That any Person who died or that shall die intestate, being Owner of Lands within this Province or Territories thereunto belonging, and hath left or shall leave legal Issue, it shall be lawful for the Widow or Administrator, in case of considerable Debts, Charge of Child or Children, to make Sale of such Parts or Tracts of the said Lands, as the Council or County Court shall think meet, towards the defraying of such just Debts, the Education of such Child or Children, Support of the Widow, and the better improving the Remainder of the Estate to their Advantage.

At a General Assembly held at Philadelphia, in the Year 1697, the following Law, among others, was passed.

The Law about Testates and Intestates Estates.

Lands of deceased Persons may be sold, &c.

AND **BE IT FURTHER ENACTED** by the Authority aforesaid, That all real Estates and Lands, Tenements and Hereditaments, and all personal Estates, which any Person hath in this Province and Territories at the Time of his Decease, shall be liable, either by Conveyance or Bill of Sale, duly executed by the lawful Executor or Administrator of such Deceased, and approved and acknowledged in open Court, according to Law, or by Judgment and Order of the respective Courts of Record, upon due Procedure therein had, to be seized and sold for Payment of the Decedents just Debts, so far as the same Estate shall extend in due Order of Law; *That is to say*, First funeral Expences, then Debts and Duties due to the Governor, then Judgments, then Debts due by Recognizance, then Debts due by Obligation, then Bills, then Rents, then Servants and Workmens Wages, then Merchants Books, lately contracted, and Promises by Word, Arrears of Accounts, and such like: Which said Sales and Seizures are hereby declared to be binding and conclusive against such Deceaseds, and their Heirs, and all claiming under them. And after all Debts are paid as aforesaid, then the Surplusage or Residue, if any be, of all the Testators said personal Estate shall be by the Executors divided, and proportionably distributed according to their last Wills. *Always provided*, That his Widow have not less than One Third Part of the said personal Estate, except where due and equivalent Provision hath

hath been made before by the Testator. And that the Surplusage or Residue of an Intestate's personal Estate, (all Debts being paid as aforesaid) shall be thus disposed of and distributed, *to wit*, One Third Part thereof to the Wife of the Intestate, the Residue amongst his Children, and such as legally represent them, if any of them be dead, the eldest Son having a double Part or Share: And if there be no Children, nor legal Representatives of them, one Moiety shall be allotted to the Wife, the Residue equally to the next of Kindred to the Intestate, in equal Degree, and those who represent them. And if the Intestate leaveth no Wife, Child nor Children, it shall go to his Brothers and Sisters, if any be, or to the Children of such Brothers and Sisters; and in case no such be, it shall go to the Parents: And for Want of Kindred, the one Half to the Governor for the Time being, and the other Half to the Public Stock of the County where such Estate lieth. And the personal Estate of an intestate Widow shall go to her Child or Children, the same to be disposed of as aforesaid. And the personal Estate of a single Man or Woman, dying intestate, shall go to his and their Brothers and Sisters, if any be, and for Want of such, then as before limited. *Provided always*, That where such Testators or Intestators said personal Estates are sufficient to pay all Debts and Damages, owing by them at the Time of their Decease, with all Charges incident thereunto, that then their respective real Estates aforesaid shall be disposed of and distributed in Manner following, *That is to say*, all Testators real Estates, to be invested and remain as their last Wills and Testaments devise the same. *Provided always*, That no less than one Third Part of the said real Estate be allowed and invested in the Widow during her natural Life, except where due and equivalent Provision hath been made before by the Testator. And one Third Part of all Intestates Lands and Tenements to the Wife for her Life, the Residue and Remainder thereof to be allotted and distributed in the same Manner as the Surplusage of the Intestates personal Estate, as above limited and directed. All which Distributions of the Remainders and Surplusages, as well of the Testators as Intestators Estates are to be made by the Register-General for the Time being, within twelve Months after the Decedents Death; and every one to whom any Share shall be allotted shall give Bond, with Securities, to the said Register-General, that if Debts afterwards be made to appear, he or she shall refund his or her rateable Part thereof, and of the Executors or Administrators Charges accruing thereby. And that all such of the Intestates Relations and Persons concerned, who shall not lay legal Claims to the said Estates within seven Years after the Decease of the intestate Parties, shall be debarred for ever.

Surplusage how
to be distributed.

Claims not
made within
seven Years
shall be barred.

Executors, &c.
to give Bond.

AND be it further enacted by the Authority aforesaid, That all Executors, and Guardians to Persons under Age, shall give sufficient Bond to the Court of Orphans, in the Precincts where they live, faithfully to discharge their Trust; and that the said Obligations shall stand in full Force and Virtue till they have passed their Accounts in Court, and are legally discharged.

At a General Assembly held at New-Castle, the 14th of October, and continued by Adjournments to the 27th Day of November, Anno Domini 1700, the following Acts, among others, were passed, viz.

An Act for Naturalization:

FORASMUCH as the just Encouragement of the Inhabitants of this Province and Territories is likely to be an effectual Way for the Improvement thereof, and since some of the People that live therein, and are likely to come thereinto, are Foreigners, and not Freemen according to the Acceptation of the Laws of England, the Consequences of which may prove very detrimental to them in their Estates and Traffick, and injurious to the Prosperity of this Province and Territories; *Be it therefore enacted* by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of the said Province and Territories, in General Assembly met, and by the Authority of the same, That it shall and may be lawful for the Proprietary and Governor, and his Heirs, or his or their Lieutenant and Governor for the Time being, by a public Instrument under his or their Broad Seal, to declare any Alien, Aliens or Foreigners, being already settled or inhabiting within this Government, or that shall hereafter come to settle, plant, or reside therein, having first made and given his or their solemn Engagement or Declaration to be true and faithful to the King, as Sovereign, and to the Proprietary and Governor of this Province and Territories, according to the Laws and Usages thereof, before the Governor for the Time being, to be to all Intents and Purposes fully and compleatly naturalized; and the Persons so approved of and named in such Instrument or Instruments as aforesaid shall, by Virtue of this Act, have and enjoy to them, and their Heirs, the same Rights and Immunities of and unto the Laws and Privileges of this Government, as fully and amply as any other of the King's natural born Subjects have or enjoy within the same, any former Law, Act, Ordinance, Custom or Usage, to the contrary in anywise notwithstanding. And to the End such Letters or Instruments, under the Broad Seal of this Province as aforesaid, may be obtained without any great Difficulty or Charge, *Be it further enacted*, That the Governor shall have and receive for the same *Twenty Shillings* from every Person already settled and residing within this Government, that shall take out such Instrument, and *Thirty Shillings* from every Alien or Foreigner that shall come to settle under this Government, and no more. And the Secretary shall have *Six Shillings*, and the Keeper of the Great Seal *Six Shillings*, for each and every such public Instrument granted as aforesaid. *Provided*, That nothing in this Act contained shall be construed to enable or give Power or Privilege to any Foreigner to do or execute any Matter or Thing, which by any Act of Parliament in England concerning the King's Plantations he is disabled to do or execute. *Provided always*, and be it further enacted by the Authority aforesaid, That all *Swedes, Dutch*, and other Foreigners, who were settled in this Province or Territories before the Date of the King's Letters Patents to the Proprietary and Governor, shall be deemed, and by this Act are declared, to be fully and compleatly naturalized, and shall by Virtue hereof have and enjoy to them, and their Heirs, the same Rights and Immunities of and unto the Laws and Privileges of this Government, as any other Foreigners may or can enjoy by Virtue of this Act, any Thing herein to the contrary notwithstanding.

Proprietary and
Governor may
naturalize Fo-
reigners.

An

An Act for ascertaining the Descent of Lands, and better Disposition of the Estates of Persons intestate.

FOR the Prevention of Disputes and Contests at Law, or otherwise, concerning Estates, real and personal, of Persons dying intestate, and for the more equal Payment of their Debts, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province, and Counties annexed, in General Assembly met, and by the Authority of the same, That all Lands, Tenements and Hereditaments, and all personal Estates whatever, which any Person hath, or is seized or possessed of, in his or her own Right, at the Time of his or her Decease, within this Province and Territories, shall be liable to be seized and sold by the lawful Executor or Administrator of the Deceased, by any lawful Deed or Conveyance duly executed, and approved and acknowledged in open Court according to Law, or by Judgment or Order of the respective Courts of Record, upon due Procedure therein respectively had, for the Payment of the Decedents just Debts, so far as the said Estates shall extend in due Order of Law, *That is to say*, First, Funeral Expences; Secondly, Debts and Duties due to the King, and the Proprietary and Governor; Thirdly, Judgments; Fourthly, Debts due by Recognizance; Fifthly, Debts due by Obligation; Sixthly, Bills; Seventhly, Rents; Eighthly, Servants and Workmens Wages; Ninthly, Merchants and Traders Books, and Promises by Word, Arrears of Account, and such like; which said Seizures, Sales and Payment, shall be binding and conclusive against such Decedents, their Heirs, and all Persons whatsoever claiming by, from or under them, or any of them. And after all Debts and Dues paid and satisfied as aforesaid, the Surplusage or Residue (if any be) of all the Testators said personal Estate shall be by the Executors divided and proportionably distributed, according to the said Testators last Wills. *Provided always*, That the Widow shall not have less than one Third Part of the said clear personal Estate, except where equivalent Provision hath before been made for her by the Testator, and that the Residue of the personal Estates of Intestates (all their Debts being paid as aforesaid) shall be disposed of and distributed in Manner following, *That is to say*, One Third Part thereof to the Relict or Widow of the Intestate aforesaid, and all the Residue by equal Portions to and amongst the Children of the Intestate, and such Persons as legally represent such Children, in case any of the Children be then dead, other than such Child or Children who shall have any Estate by the Settlement of the Intestate, or shall be advanced by the Intestate in his or her Life-time by Portion or Portions, equal to the Share which shall by such Distribution be allotted to the other Children, to whom such Distribution is to be made. And in case any Child, who shall have any Estate by Settlement from the said Intestate, or shall be advanced by the said Intestate in his or her Life-time, by Portion not equal to the Share which will be due to the other Children by such Distribution as aforesaid, then so much of the Surplusage of the said Intestate's Estate shall be distributed to such Child or Children as shall have any Land by Settlement from the Intestate, or were advanced in the Life-time of the Intestate, as shall make the Estates of all the said Children to be equal, or as near as can be estimated. *Provided*, That the first-born, if a Son, of the said Intestate, shall have a double Portion or Share of such clear Residue of the Intestate's Estate as aforesaid, the Widow's Third being first therefrom divided: And in case there be no Children, nor legal Representatives of them, then one Moiety of such Estate shall be allotted to the Widow of the Intestate, and the Residue of the said Estate distributed equally to every of the next of Kindred of the Intestate, who are in equal Degree, and those who legally represent them. *Provided*, That there shall be no Representations admitted among Collaterals after Brothers and Sisters Children; and in case the Intestate shall leave no Widow, then all the said Estate shall be distributed equally to and among the Children (the first-born, if a Son, having a double Share as aforesaid) and in case there be no Child, then to the next of Kindred of the Intestate in equal Degree, and their legal Representatives as aforesaid, and in no other Manner whatsoever.

Escheats.

AND be it further enacted by the Authority aforesaid, That in case such Intestate shall leave no known Kindred, then all his Lands, Tenements and Hereditaments, shall descend and go to the immediate Landlord of whom such Lands are held, his Heirs and Assigns; and if held immediately of the Proprietary, then to the Proprietary, his Heirs and Assigns; and all the Goods, Chattels and personal Estate whatsoever of such Person dying intestate, and without Kindred as aforesaid, shall go to the Proprietary and Governor, his Heirs and Assigns. *Provided always, and be it further enacted by the Authority aforesaid*, That where such Testators or Intestates personal Estates are sufficient to pay all Debts and Damages, owing by them respectively at the Time of his, her or their Deaths, with all Charges incident thereunto, then the real Estates, Lands, Tenements and Hereditaments of such Testators and Intestates shall be disposed of and distributed in Manner following: All Testators real Estates shall be disposed of and remain according to the last Will and Testament of the Testator. *Provided always*, That no less than one third Part of any real Estate be allotted to the Widow of such Testator during her natural Life, except where due and equivalent Provision hath been made before by the Testator, and one third Part of all Lands, Tenements and Hereditaments, of or belonging to any Person dying intestate, shall go and be allotted to his Widow for her Life, and the Residue and Remainder thereof shall be distributed and allotted in the same Manner as the Surplusage of the Intestates personal Estates above limited and directed; all which Distributions of the Remainders and Surplusages, as well of Testators as Intestates Estates, shall be made by the respective Registers of the Counties where such Testators or Intestates Estates shall lie for the Time being, within twelve Months next after the Decedents Death; and every one to whom any Share in the Distribution shall be allotted shall give Bond, with sufficient Sureties, to the said Register, that if any Debt or Debts truly owing by the Intestate shall afterwards be sued for and recovered, or otherwise duly made to appear, that then, and in every such Case, he or she shall refund and pay back to the Administrator his or her rateable Part of such Debt or Debts, and of the Costs of Suit and Charges to the Administrator by Reason of such Debt accruing out of the Part or Share to him or her allotted as aforesaid, thereby to enable the said Administrator to pay and satisfy the said Debt or Debts discovered after the Distribution is made as aforesaid; and that all such of the Intestates Relations and Persons concerned, who shall not lay legal Claim to their respective Shares of such Estates within seven Years after the Decease of the Intestates, shall be debarrd from the same for ever.

Claims not made within seven Years shall be barred.

An Act confirming Devises of Lands, and Validity of nuncupative Wills.

TO the End that Lands and Hereditaments may be enjoyed by the Devisee and his Heirs, as amply as Lands granted by Deed to the Grantee, **BE IT ENACTED** by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That all Wills in Writing, wherein or whereby any Lands, Tenements or Hereditaments, within this Province or Territories, are or shall be devised, shall be as good and authentic in Law (according to the Tenor thereof) as any other Conveyance for granting of such Lands and Premises, whether the said Wills be made within or out of this Province or Territories. *Provided*, the same be legally proved within this Province or Territories, within six Months after the Death of the Testator, or within eighteen Months, if the Devisee live out of this Government: And for the preventing of all Disadvantages and Hardships that may accrue to any Person for Want of due Proof of nuncupative or verbal Wills, or by any pretending the same, where no such Will really is, *Be it enacted by the Authority aforesaid*, That all nuncupative Wills made within this Province or Territories, shall be of full Force for all Goods and Chattels thereby devised or bequeathed. *Provided always*, That the said nuncupative Wills shall be reduced into Writing within two Days after the Decease of the said Testator, and subscribed by two sufficient Witnesses, who were present and heard the Testator make the Will, to be attested by any Justice of the Peace of the Truth of the said nuncupative or verbal Will, within Ten Days after the Death of the said Testator, which said Will being proved in the Register's Office in this Province and Territories, within six Months next after the Testator's Death, shall be good and valid in Law according to the Purport thereof for all Goods and Chattels therein bequeathed, as if the same had been originally made in Writing by the Testator, and duly executed as aforesaid. *And be it further enacted by the Authority aforesaid*, That no Will or Testament, or nuncupative Will of any Person *non compos Mentis*, or not in his or her right Mind or Understanding, at the Time of the Making thereof, shall be good and valid in Law.

Wills in Writing.

Nuncupative Wills.

An Act for empowering Widows and Administrators to sell so much of the Lands of Intestates as may be sufficient to clear their Debts, &c.

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That if any Person that dies intestate, being Owner of Lands within this Province or Territories thereof, and leave legal Issue behind him, but no sufficient personal Estate for their Maintenance or paying of Debts, in such Case it shall be lawful for the Widow or Administrator to make Sale of such Part or Parcel of the said Lands as the Orphans Court shall think fit, towards the defraying of the just Debts of such Intestate, the Education of his Children, and the improving the Remainder of the Estate (if any be) to their Advantage.

Lands of Intestates may be sold by the Administrator.

An Act for the effectual Establishment and Confirmation of the Freeholders of this Province and Territories, their Heirs and Assigns, in their Lands and Tenements.

WHEREAS at the first laying out and settling of Lands in this Province of *Pennsylvania* and Territories thereunto belonging, many great Neglects and Errors have been committed, through the Want of Experience and Care both in Officers and the People, as well to the Wrong of the Proprietary, as the Insecurity of the said People, and the great Inconveniency of both: For Remedy whereof, and for the Safety of the said Province and Territories in general, and that the Inhabitants may be compleatly and absolutely settled, and fully secured in their Rights and Titles to Land, and all Occasions of Difference and Contest thereupon may for ever hereafter be prevented and removed, **BE IT ENACTED** by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That all Tracts and Parcels of Land taken up within this Province and Territories, and duly seated by Virtue of Letters Patents or Warrants obtained from Governors or lawful Commissioners under the Crown of *England*, before the King's Grant to the Proprietary and Governor for this Province (except the same was had by Fraud or Deceit) shall be quietly enjoyed by the actual Possessors, their Heirs and Assigns: And that all Lands and Tracts of Land duly taken up by Virtue of Warrants obtained pursuant to Purchases made and had from the Proprietary and Governor, or in Pursuance of any Commission or Power granted by the Proprietary to any other Person (except as before excepted, and except where the same does interfere with other Persons just Rights and Claims) shall be quietly and peaceably enjoyed by, and confirmed to the Possessor (according to the said Warrants) his Heirs and Assigns for ever; and although no Patent hath been granted, yet, if peaceably Entry and Possession hath been obtained by Warrants or otherwise as aforesaid, and thereupon quiet Possession hath been held during the Space of Seven Years or more, such Possession, or such Entry as aforesaid, shall give an unquestionable Title to all such Lands according to the Quantity they were taken up for, and shall be deemed and held good, and be confirmed by the Proprietary to the Seaters or Possessors thereof, their Heirs and Assigns for ever.

OBSERVATION.

1. *THIS Act continued to the 13th of the Twelfth Month, 1705, and was then repealed by an Order of the Queen in Council.*

Lands held under the Crown, before the Royal Grant, shall be quietly enjoyed.

Lands taken up by Warrants, &c. under the Proprietary, to be confirmed.

AND be it further enacted by the Authority aforesaid, That all Grants for Lands from the Proprietary shall be henceforth under the Great Seal of this Province and Territories; which Grants shall give the respective Grantees an absolute Title for all the Lands therein to be granted or confirmed, be they more or less than laid out for, and shall never more thereafter be subject or liable to any further Survey. And that all Grants and Patents heretofore granted, whether under the broad or lesser Seal, either by the Proprietary himself, or his Commissioners as aforesaid, shall be firm and good to all Intents and Purposes, for the Quantity of Land in such Grants expressed, for ever after the Time herein limited, without any further Dispute.

AND whereas several Mistakes and Errors have happened through the Negligence, Ignorance or Fraud of Surveyors or Chain-Carriers, and many Surveys have thereby been made erroneous; For the rectifying where-

Lands to be re-surveyed.

OBSERVATION.

2. *IT is probable divers Re-surveys have been made in Pursuance of the Power given by this Act: And though the Act be since repealed, it does not invalidate what was legally done whilst the Act was in Force.*

of, *Be it enacted by the Authority aforesaid, That it shall and may be lawful for the Proprietary and Governor, and his Heirs, by his and their lawful Surveyors, at any Time within the Space of two Years after Publication hereof, to re-survey, our cause to be re-surveyed, any Person's Land within this Province or Territories; and if, upon such Re-survey, allowing four Acres in the Hundred over or under for the Difference of Surveys, there be more Land found in the Number of Acres than the Tract so surveyed was laid out for, allowing also Six per Cent.*

Overplus how to be disposed of.

for Roads and Highways, all such overplus Lands shall be to the Proprietary, and the Possessor thereof shall have the Refusal of it from the Proprietary at reasonable Rates: And if the Proprietary and the said Possessor do not agree, then, and in such case, the Proprietary shall choose two Men, and the Purchaser or Renter shall choose two more, who shall either fix a Price on the said overplus Land, to be paid by the Possessor, or otherwise appoint where it shall be taken off for the Proprietary in one entire Piece, at an outside, saving to the Purchaser or Renter his Improvements and best Conveniencies, any three of whom agreeing shall be conclusive; and the Charges of re-surveying such Lands shall be bore by him to whom the overplus Land shall fall, *That is to say*, by the Purchaser or Renter of the Main-Tract, if he buy the Overplus, or if not, by the Proprietary.

Proprietary to make good all Deficiencies.

AND be it further enacted by the Authority aforesaid, That if any Purchaser or Tenant, having procured his Land to be again surveyed by any of the lawful Surveyors, shall find the same to be deficient of the Quantity it was before laid out for, and should contain (Allowance for Difference of Surveys, Roads and Highways being first made, as above expressed) all such Deficiencies shall be made good by the Proprietary and Governor, according as he receives for the overplus Land as aforesaid.

AND that the People in the said Surveys may have the greater Satisfaction, *Be it further enacted by the Authority aforesaid, That no Surveyor shall enter upon any Person's Land to make a Re-survey of the same, without first giving Notice to the Owner or Possessor thereof, or leaving Notice at his House, if he dwell near the same, and if he do not know him, and the said Owner dwell not in the Precinct or Township, that then such Surveyor shall give Notice thereof to the two next Neighbours, under the Penalty of Twenty Pounds, to be forfeited to such Owner. And in case any Surveyor shall hereafter wilfully or negligently survey any Lands, to the Prejudice of the Possessor or Owner, he shall make good double Damages to the Party grieved.*

AND be it further enacted by the Authority aforesaid, That the first Hundred Purchasers of Land in the Province shall be preferred, and have Liberty to take up their Lands before any after Purchasers, so that they make Application for the same within four Months after Publication hereof.

OBSERVATION.

3. *THE Heir of a Joyntenant, whose Ancestor died during the Continuance of this Act, seems to have a Right to claim and hold the Part of such Ancestor against the surviving Joyntenant, and his Heirs, notwithstanding this Act is since repealed; not only because it would not be reasonable that a Fee-simple which vested whilst the Act was in Force should be divested by the Repeal; but also because the Estate of such an Heir seems to be confirmed by an equitable Construction of the Act, entitled, An Act for the better confirming the Owners of Lands, &c. passed in the Fourth of Queen Anne.*

AND be it further enacted, That where any Lands have been purchased or taken up in Copartnership, and either of the Parties die before Division be made thereof, the Survivor shall claim his equal and just Share and Proportion, and the Heirs and Assigns of the deceased Partner shall hold and enjoy the Part belonging to such Deceased, as firmly as when all the Parties were living, unless it shall appear that there has been some Contract or Agreement made to the contrary.

Further Directions respecting the Overplus.

AND whereas it may sometimes happen, that where some have purchased a Parcel of Land (for Instance a Thousand Acres) and the same has been surveyed and laid out, but upon a Re-survey of such Tract it is found to contain twelve Hundred Acres, of which the Purchaser having been wholly ignorant, hath sold either Part of it or the Whole to several Persons, or has given it to several Children, under the Notion of only a Thousand Acres, upon Re-survey of which, by the Proprietary's Order, the Overplus may happen to fall within several small Plantations, or to consist entirely of one of them, *Be it therefore enacted by the Authority aforesaid, That in such Cases the Proprietary's Overplus shall not be taken off any one particular of the said several Plantations, but off the rough Land remaining undisposed of in the whole Tract, if any such be; and if there be no such, then to be taken off every particular Plantation proportionably: And the Charges of running the Division Lines shall be always borne by the respective Owners of the several Plantations: And where the Overplus is taken in one entire Piece off the Whole, it shall and may be lawful for the first Purchaser to cause the several Tracts by him sold to any meane Purchaser or Purchasers to be re-surveyed by any lawful Surveyor, and the Overplus found in such Tracts or meane Purchasers, above what they were sold or rented for, shall go to the Person of whom they were bought, in like Manner as the overplus Lands in general go to the Proprietary and Governor.*

AND whereas our Proprietary and Governor did formerly, in a Clause of our Charter of Privileges, give and grant to all and every one of the Inhabitants of this Province and Territories, full and quiet Enjoyment of their respective Lands to which they had any lawful or equitable Claim, saving only such Rents and Services for the same as were, or customarily ought, to be reserved to the Proprietary, his Heirs and Assigns; * which Clause, upon delivering up our said Charter, was reserved, and our said Proprietary and Governor was pleased to reserve to us; We therefore desire that it may be enacted, *And be it enacted by the Authority aforesaid, That the said*

* *The Charter is dated April 2, 1683, and the Place referred to in the above Law is as followeth: " And that all Inhabitants of this Province and Territories thereof, whether Purchasers or others, may have the last worldly Pledge of my good and kind Intentions to them and theirs: I do give, grant and confirm, to all and every one of them, full and quiet Possession of their respective Lands, to which they have any lawful or equitable Claim, saving only such Rents and Services for the same as are or customarily ought to be reserved to me, my Heirs or Assigns.*

said Clause shall be in as full Force, Power and Virtue, as if the Surrender of the Charter as aforesaid had never been made. *Provided always*, That nothing in this Act shall be construed to confirm any Lands to the Prejudice of the Right of Infants, married Women, Lunatics, or Persons beyond the Seas, any Thing herein to the contrary in anywise notwithstanding.

Clause of the Charter to remain in Force.

AND for the Satisfaction and Encouragement of Aliens coming into this Province or Counties annexed, *Be it further enacted by the Authority aforesaid*, That if any Alien, who is or shall be a Purchaser, or who doth or shall inhabit in this Province or Territories thereof, shall decease at any Time before he can well be naturalized, his Right and Interest therein shall notwithstanding descend to his Wife and Children, or other his Relations, be he Testate or Intestate, according to the Laws of this Province and Territories thereof in such Cases provided, in as free and ample Manner, to all Intents and Purposes, as if the said Alien had been naturalized.

AND whereas divers Persons beyond Seas are and have been Owners of Lands within this Province and Territories, and such Persons have usually appointed Attornies to sell and dispose of the same, to the End therefore that the several Persons that have so purchased, their Heirs and Assigns, may for ever hereafter be secured in their Titles and Covenants, *Be it enacted by the Authority aforesaid*, That all Sales of Lands, Tenements and Hereditaments, made by lawful Attornies, especially granted to sell such Lands, are and shall be deemed and adjudged good and effectual in Law to all Intents, Constructions and Purposes whatsoever, as if the said Owners of such Lands had by their own Deeds, Bargains and Sales, actually and really sold, conveyed and executed the same; and all and singular the Lands, Tenements and Hereditaments, sold and conveyed as aforesaid, shall be and remain to such Purchasers respectively, their Heirs and Assigns for ever, as they might or ought to have done to the Owner or Owners of such Lands and Premises so employing his or their Attorney or Attorneys as aforesaid.

AND *be it further enacted by the Authority aforesaid*, That all Lands, Tenements and Hereditaments, that hereafter shall be sold by Virtue of any Letter of Attorney, shall be good and valid respectively to the Purchasers, their Heirs and Assigns for ever as aforesaid, provided the said Letters of Attorney be attested before some Magistrate or public Notary, where the same shall be made and executed, and certified under their respective Hands and public Seals, and be proved within this Province or Territories, *vis a Voce*, by two Witnesses at least.

OBSERVATION.

4. *THIS Part of the Act is supplied by an Act, entitled, An Act for confirming of Sales made by Attornies, &c. passed in the Fourth Year of the Reign of Queen Anne.*

At a General Assembly held at Philadelphia, in the Year 1705, an Act was passed, entitled, "An Act for the acknowledging and recording of "Deeds;" which Act, among others, contained the Clause following, viz.

BE IT ENACTED, &c. That all Deeds and Conveyances, made or to be made, proved, acknowledged and recorded, according to the true Intent and Meaning of this Act, shall be of the same Force and Effect here, for the Assurance of the said Lands, Tenements and Hereditaments, and for docking and barring Estates Tail, as Fines and Recoveries at common Law, or Deeds of Feoffment with Livery and Seizin, or Deeds inrolled in any of the Queen's Courts of Record at Westminster, are or shall be in the Kingdom of England.

3. *In the 28th of the 12th Mo. 1710, a new Act passed, in which there is a Clause of the same Import with this; which last Act continued in Force until the 20th of the 12th Month, 1713, and was then repealed by Order of the Queen in Council.*

OBSERVATION.

Deeds and Conveyances.

1. *THIS Act continued in Force divers Years. By the Minutes of Assembly of the Second of the 11th Mo. 1710, it appears it was then repealed, and an Order made for bringing in of a new Bill to amend the former.*

2. *Deeds made in Pursuance of this Act, whilst in Force, are sufficient Bars to Estates Tail.*

At an Assembly held at Philadelphia, the 15th of October, 1711, the following Act, among others, was passed, viz.

An Act confirming Patents and Grants.

BE IT ENACTED by Charles Gookin, Esq; by the Queen's Royal Approbation, Lieutenant Governor under William Penn, Esq; absolute Proprietary and Governor in Chief of the Province of Pennsylvania, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Lands and Hereditaments which any Person or Persons do hold and enjoy, or ought to have, hold and enjoy, within this Province, as well by or under any Gift, Grant or Estate, made or granted by the said Proprietary and Governor William Penn, or his Commissioners of Property and Agents, pursuant to the said Person's Right or Purchase, Demise or Grant from him the said Proprietary, as also by or under any old Grant, Patent or Warrant, obtained or had from Governors or lawful Commissioners under the Crown of England, before the Date of the late King Charles the Second his Letters Patent to the said Proprietary, or by any other legal or equitable Grant, Right, Title, Entry, Possession or Estate whatsoever, shall, by Virtue of this Act, be held and enjoyed by such Person or Persons according to the Purport and Intent of the respective Right, Grant, Patent, Purchase or Demise, and for and in the Estate or Estates thereby granted or intended to be thereby granted or settled.

OBSERVATION.

THIS appears to have been a short lived Act, it being repealed by Order of the Queen in Council the 20th of the 12th Mo. 1713; and yet, as it is not improbable Re-surveys may have been made whilst the Act was in Force, it seems necessary to preserve the Act in Print.

Lands to be enjoyed according to their respective Grants.

Proviso.

PROVIDED always, That nothing herein contained shall be construed or adjudged to confirm any Lands taken up by Virtue of the said old Grants, and not duly seated or improved by the Grantees or their Assigns before the Year *One Thousand Six Hundred and Eighty-two*, nor to create or confirm any Right or Interest to any Person or Persons whatsoever for or to any more or greater Quantity of Lands, Marsh, Meadow or Cripple, than shall appear, by Gift, Grant, Demise or Purchase from the said Proprietary, or his Commissioners or Agents, or from his Predecessors, the former Governors or Commissioners aforesaid, to be the said Person or Persons just Due (over and above the six Acres by the said Proprietary allowed to be added to every hundred Acres of Land for Roads and Barrens, and the four Acres over or under, to be accounted for Difference of Surveys) nor shall create a Right to the Possessor or Claimer of any Lands that were not taken up or surveyed by Virtue of a Warrant or Order from Persons impowered to grant the same, and by a Surveyor appointed for that Purpose; any thing herein, or in any Patent, Grant or Survey to the contrary in anywise notwithstanding.

AND be it further enacted by the Authority aforesaid, That all the Sales, Gifts, Grants, Surrenders, Assurances, Conveyances and Estates in anywise conveyed, had or made, to or for the said Proprietary, by or from any Person or Persons whatsoever, of any Lands, Tenements or other Hereditaments, for or upon any Consideration whatsoever, shall stand, remain, and be good and available in Law, according to the true Meaning and Purport of the same; *Saving* the Right, Title and Demand of all and every Person and Persons whatsoever, and of their Heirs and Assigns, other than such Person or Persons, and their Heirs, being Parties or Privies to such Grants, Surrenders, Conveyances or Assurances, or from whom the said Proprietary hath had, obtained or purchased any of the said Lands, Tenements and Hereditaments, by Exchange, Surrender, Gift, Grant, Deed, or otherwise.

Proprietaries shall confirm all Lands sold or disposed of by him, &c.

AND be it further enacted by the Authority aforesaid, That the said William Penn, his Heirs and Assigns, Proprietaries of this Province of *Pennsylvania*, either by him or themselves, or by his present Commissioners or Deputies, or by Commissioners, Deputies or Agents, to be by them appointed, shall and will from Time to Time, and at all Times hereafter, upon all reasonable Demands, make, do and execute, or cause so to be, all and every such Patents, Grants or Assurances, as may be necessary according to the Laws and Constitutions of this Province, to grant, assure and confirm all and singular the Lands, Tenements and Hereditaments in the said Province, by him the said Proprietary or his Commissioners or Agents heretofore sold, granted or disposed, or which by him, his Heirs or Assigns, or by his or their Commissioners or Agents, shall hereafter be sold, granted or disposed to any Person or Persons, Bodies politic or corporate, to hold the said Lands, Hereditaments and Premises, with their Appurtenances, to the Grantees or Persons interested therein for such Estate or Estates, Term or Terms of Life, Lives or Years, and for such Uses, and under such Rents or Acknowledgments, as the same Lands and Premises were, are or shall be sold, granted or disposed of as aforesaid: *Saving* to all Persons their Rights, Titles, Estates and Interest in Lands (granted, derived or claimed, by, from or under the said old Patents or Grants made before the Date of the said Letters Patents) seated and improved as aforesaid.

Grants of the Proprietary to be valid, &c.

AND be it further enacted by the Authority aforesaid, That all and every the Grants, Patents, Deeds or Conveyances, of or for any Lands, Tenements and Hereditaments in this Province, heretofore made or given by the said Proprietary, his Commissioners or Agents, under any of his Seals, or hereafter to be made, given or passed by the said Proprietary, his Heirs or Assigns, or by his or their Deputies, Commissioners or Agents, sealed with or under the Seal or Seals now used, or hereafter to be used for that Purpose, and entered upon Record in the Patent or Rolls-Office (which is hereby declared to be an Office of Record) shall be good and available in Law, and shall be adjudged, deemed and taken, and are hereby declared to be Grants or Conveyances and Matters of Record; and to have no Need of Delivery before Witnesses, Livery and Seizin, or Acknowledgments, as Deeds of other Persons may or ought to have; and none shall be admitted to plead *non est factum*, or *nul tiel* Record against them, or shall plead in Disability of the Person or Persons, in whose Names or Stead they have been or shall be made or granted; but inasmuch as they are in the Nature of Conveyances, therefore, if any shall have Occasion to deny the Operation thereof, the Party may plead *non concessit*, and prove in Evidence that he or they, in whose Name or Stead the same Patents or other Deeds were made or granted as aforesaid, had nothing in the Lands or Tenements so granted, or that the same Lands and Hereditaments did not pass by such Grant, Deed, Patent or Conveyance.

Proprietary Grants not to be avoided by Misnames, &c.

AND be it further enacted by the Authority aforesaid, That no Grant, Patent or Conveyance of any Lands, Tenements or Hereditaments so as aforesaid made, or which shall at any time hereafter be made or granted by the said Proprietary, his Heirs or Assigns, or by his or their said Commissioners or Agents as aforesaid, to or for the Use of any Person or Persons, Bodies politic or corporate, shall be adjudged or taken to be defective, avoided or prejudiced, for or by reason of any mis-naming, mis-recital or non-recital of any of the said Lands, Tenements, Hereditaments and Premises, or any Part thereof, or any Lack of finding of Offices or Inquisitions, of and in the Premises, or any Part thereof, whereby the said Proprietary's Title therein ought to have been found; or for mis-recital or non-recital, or not mentioning or not true mentioning of the said Proprietary's Estate or Estates, of, in or to the Premises; or for mis-naming or not true naming of the Counties or Places where the said Lands and Premises lie or be; or for Lack of the true naming of the Lands and Premises, or of the Natures, Kinds or Qualities thereof; or for any Want of Form, or for not being formerly entered upon Record, or for Want of being heretofore sealed with the Great Seal, or for not being sealed and delivered before Witnesses, or for Want of Livery and Seizin or Attornment, or for not mentioning the Consideration; but that all the said Gifts, Grants, Patents and Conveyances, with all the Warrants and Returns of Surveys, pursuant thereunto, and other Writings relating to the said Lands, Hereditaments and Premises, shall be, and are hereby declared and enacted to be good and available in Law, against the said Proprietary, his Heirs and Assigns, and against all others claiming or to claim under him or them, and against all and every other Person and Persons that shall at any Time inherit or enjoy this Province; and that the same shall be and remain in full Force, and be maintained and have Effect, according to the true Intent and Purport thereof, and shall be expounded, deemed and adjudged most beneficially for the Patentees, Donees and Grantees of the same, and their Heirs and Assigns, Executors and Administrators, according to the Words, Tenor and true Meaning of every of the said Gifts, Grants, Patents, Conveyances, Surveys and other Writings.

AND

AND be it further enacted by the Authority aforesaid, That all and singular the said Lands, Hereditaments and Premises, and every Part thereof, which have been granted or confirmed by the said Patents or Conveyances passed under the Proprietary's Seal, and recorded as aforesaid, as also all and singular the Lands and Hereditaments hereafter to be granted, conveyed or confirmed by Patents or other Conveyances, which shall pass under the Seal of the said Proprietary, his Heirs or Assigns, and be entered of Record in Manner aforesaid, and every Part thereof, shall be and continue unto the said Patentees, Donees and Grantees, and such as shall legally represent them, free and clear, and freely and clearly acquitted and discharged, or otherwise well and sufficiently saved harmless and indemnified by the said Proprietary, his Heirs and Assigns, of and from all *Indian* Claims, and all other Gifts, Grants, Sales, Titles, Charges and Incumbrances whatsoever, heretofore had, made, done or suffered, or hereafter to be had, made, done or suffered by him the said Proprietary, or his Heirs. *Saving* to all and every other Person and Persons, Bodies politic and corporate, their Heirs and Successors, Executors, Administrators and Assigns, all such Rights, Titles, Estates, Rents, Reversions, Commons, Profits, Interests, Tenures, Claims and Demands whatsoever, of what Nature, Kind or Quality soever, of, in and to, or out of the said Lands, Tenements and Hereditaments, or any Part thereof, as they or any of them had or ought to have had before the making of this Act, in as large and ample Manner, Form and Condition, to all Intents and Purposes, as if this Act had never been made, any Thing herein contained to the contrary notwithstanding.

Proprietary Grants shall be indemnified by the Proprietaries from all former Incumbrances.

PROVIDED always, That nothing in this Act contained shall extend to make Patents of any Office to be of any other Effect, than if this Act had never been made; nor shall this Act make good any Patent that shall be annihilated or made void by due Course of Law; nor shall any Thing herein contained oblige the Proprietor, or his Heirs, to make good to any Purchaser of a Right or Rights to unlocated Lands, who inadvertently, or by Misinformation, did or may obtain a Patent or Confirmation of Lands which are discovered to be the prior Right of another Person, further or any more than the same Quantity of Land in the next advantageous Place, that such Purchaser shall choose and discover to be vacant and free from all other Claims. But where any such prior Right shall appear and take Effect against any such Person or Persons, who have purchased the same Tract or Parcel of Land of the Proprietary, or his Commissioners or Agents, by a certain Name, or by any agreed Location in that particular Place, or the Warrant expressing the same accordingly, then, and in such Case, the Proprietary, his Heirs and Executors, shall refund and make good to such second Purchaser the full Sum or Value which he the said Proprietary, or his Agents, did receive for the same, together with lawful Interest from the Time such Payment was made: And in both the above-mentioned Cases, if the latter Purchaser, his Heirs or Assigns, shall have made any Improvements on the said Land, such Improvement shall be valued by two or more Persons, to be indifferently chosen by each of the said Claimers or Purchasers, which both Parties are by this Act obliged to do, and such Value as they or the Majority of them shall agree to, under their Hands, shall be paid by the Claimer of the first Right to such Improver, for his Improvements accordingly.

Proviso.

AND whereas several Persons, before the Date of the said late King's Royal Charter, obtained Grants or Patents for more Lands than they had any Right unto by their original Warrants or Orders for the surveying or laying out the same, in which Case it has been the Method of the said Proprietary and his Commissioners, by their Warrants, to order Re-surveys of those Lands, and allot to the Possessors thereof, or to the Heirs or Assigns of the old Patentees or Grantees, so many Acres of Land and Meadow or Marsh, as really belonged unto them by Virtue of the said respective original Warrants or Orders, or by the Right of Occupancy or Improvement, and confirm the same by new Patents, and dispose the Residue as other vacant Lands which had never been surveyed. *Nevertheless* no effectual Care has been hitherto taken for vacating or annulling the Record of those old exorbitant Grants, Patents, Surveys or Locations, and for securing the new Patentees against the Demands of the old Patentees and Possessors, or such as claim by, from or under them; *Therefore be it enacted by the Authority aforesaid,* That nothing herein contained shall extend to revive, make good or confirm any of the said old Grants or Patents, nor give to the Grantees or Patentees of the same, nor their Heirs, Executors or Assigns, any Right, Title, Interest or Estate, of, in, to or for any more or greater Quantity of Lands, Marsh, Meadow or Cripple, than were expressly granted, or really intended to be granted, in and by the said original first Warrants or Orders for Survey, to which the old Patents respectively relate: But that all and every the said old Grants or Patents, as to the Residue or Overplus of the said Lands and Hereditaments contained therein, shall be, and are hereby declared to be null and void, and of none Effect; and that all and every the Grants, Patents, Conveyances and Assurances made, or to be made and granted for the said Residue or Overplus-Lands, to any Person or Persons whatsoever, and all the Estate and Estates, Rights, Interests and Possessions of any Person or Persons, of, in or to the said Overplus-Lands, shall, notwithstanding any of the said old Grants or Patents, be and continue, and are hereby declared to be good and available in Law, against the old Patentees, and against all others claiming or to claim the said Overplus-Land, or any Part thereof, by, from or under them or any of them, as if the same Lands had never been surveyed or located before the Date of the said King's Letters Patents. *Saving always* to all and every Person and Persons (other than those who will set up or insist on any of the said old Grants or Patents, to maintain or make good their Demands or Claims to any more of the said Overplus-Lands than what they, or those under whom they claim, have occupied, built upon or improved) all and every such Right, Title, Interests, Use, Possession, Estate, Rents, Reversion, Commons, Profits and Advantages whatsoever, as he, they, or any of them, should or might have had before the making of this Act, any Thing herein contained to the contrary notwithstanding.

Old Grants made void.

AND whereas by a late Law of this Province, passed in the Year 1700, and confirmed in the Year 1701, it was (among other Things) enacted, That any Person's Lands in this Province should be re-surveyed; and if upon such Re-survey (after Allowance of four Acres in the Hundred, over or under, for Difference of Surveys, and Six per Cent. for Roads) an Overplus shall be found, the Possessor thereof should have the Refusal of it from the Proprietary, at reasonable Rates; and in case of Disagreement about such Rates, the Proprietary was to choose two Men, and the Possessor two more, who should either fix a Price on the said Overplus Land, or appoint where it should be taken off for the Proprietary in one entire Piece at an Outside (saving to the Purchaser or Renter his Improvements and best Conveniencies) any three of whom agreeing should be

conclusive; and the Charges of re-surveying should be bore by the Purchaser or Renter of the main Tract, if he bought the Overplus, or if not, then by the Proprietary; and that Deficiencies should be made good by the Proprietary, according as he received for Overplus-Land as aforesaid.

Proprietary to
give the Pos-
sessor of Over-
plus Lands the
Refusal.

IN Pursuance of which Act, Re-surveys have been made of divers Lands, wherein Over-measure was found; but the Act expiring before the same could be cut off, or the Rates thereof settled as the said Law directed, the Proprietary is not satisfied for the Over-measure, and the Owners of the Land want Confirmation of what is their just due; *Be it therefore enacted*, That where any Overplus-Land has been found upon the said Re-surveys (after Allowances are made for Roads and Difference of Surveys as aforesaid) the Proprietary, his Heirs and Assigns, and his or their Commissioners or Agents, shall give the Possessor or Owner of such Land the Refusal thereof at reasonable Rates; and in case of Disagreement with the said Possessor about such Rates, then the Proprietary, his Heirs or Assigns, or by his or their Commissioners or Agents, shall forthwith choose two Men, and the said Possessor or Owner shall at the same time choose two more, which Persons so chosen, or any three of them, shall, within Thirty Days after such Choice, either fix a Price on the said Overplus-Land, to be paid by the said Possessor or Owner, or within the same Time appoint where it shall be taken off for the Proprietary, his Heirs or Assigns, in one entire and convenient Piece, at an End or Outside; saving to the said Possessor or Owner his Improvements and best Conveniencies.

BUT in case the said Persons so chosen, as aforesaid, shall refuse or neglect to fix a Price on the said Overplus, or to cut off the same within the Time herein before limited, then the Party aggrieved may apply to the Justices at the Court of Common Pleas for the County where the Land lies, who are hereby empowered and required to grant their Order in that Behalf, to five indifferent and disinterested Persons of the Neighbourhood, requiring them, or any three of them, to perform what the said four Persons had refused or neglected to do.

AND *be it further enacted*, That where any Overplus shall be taken off as aforesaid, the Proprietary or his Commissioners shall confirm the Residue to the Possessor or Owner thereof, his Heirs or Assigns, saving the Rights of all others; but if the Proprietary, or his Commissioners or Agents, shall refuse or neglect to appoint two Persons on his Behalf as aforesaid, or, if after the said Overplus be taken off, shall refuse to confirm the Residue to the Possessor or Owner thereof, his Heirs or Assigns, within six Months after such Overplus is taken off as aforesaid, and Application made for the same by such Owner or Possessor, then, and in every such Case, all such Possessors or Owners respectively shall stand, and be seized or possessed of the whole Tract, as if no such Re-survey had been made.

BUT if any of the said Possessors or Owners of Lands so re-surveyed as aforesaid shall refuse or neglect to choose two Men in his Behalf, then the Persons so as aforesaid to be chosen by the Proprietary or his Commissioners shall, within the Time aforesaid, appoint where the Overplus shall be taken off, saving the Owner's Improvements and best Conveniencies, as aforesaid.

AND if the Owner of any such Lands as have been re-surveyed as aforesaid does not reside in this Province, and no Person in the actual Possession of those Lands, then, and in every such Case, the Proprietary or his Commissioners may appoint two Men of the next Neighbourhood to such Lands, who are hereby empowered to appoint where the Overplus of such Lands shall be taken off as aforesaid, leaving to every such Owner the full Quantity belonging to him by Purchase and Location there, together with the Allowances for Roads and Difference of Surveys, and saving the Improvements and Conveniencies, as aforesaid.

AND in all Cases where any such Overplus shall be cut, as aforesaid, in Pursuance of this Act, the Proprietary, or his Commissioners or Agents, shall have full Liberty to dispose of and grant such Overplus to any Person or Persons that he or they shall think fit, any Thing in this Act contained, or in any other Law, to the contrary thereof in any wise notwithstanding.

AND if upon the said Re-surveys any Tract hath been found deficient in the Number of Acres for which it was at first granted, after Allowances made as aforesaid, all such Deficiencies shall be made good by the Proprietary, his Heirs or Assigns, after the same Rate he or they shall receive for such Overplus-Land in that Neighbourhood.

PROVIDED *always*, That nothing herein contained shall be deemed or construed to take off any Overplus Land out of any Tract, the Possessor or Owner whereof has Right, by his Purchase, to take up more Land over and above the Quantity such Tract was laid out for.

PROVIDED *also*, That where any Lands have been re-surveyed, and such Allowances for Roads, Barrens and Difference of Surveys, has been made and allowed as aforesaid, the Possessor or Owner thereof shall not pay any Quitrents for such Allowance.

AND *be it further enacted*, That for all Lands hereafter to be taken up or surveyed in this Province, the Surveyor that lays out the same shall allow for Roads and Barrens, after the Rate of Six Acres for every Hundred Acres to the Owner of such Lands, for which said Allowances of Six *per Cent.* no Rents shall be paid to the Proprietary, his Heirs or Assigns.

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T H E E N D.

A D D E N D U M.

Extract from the Fifth Volume of the VOTES of ASSEMBLY,
Page 466, May 6, 1766.

The following Extract from a Letter of BENJAMIN FRANKLIN, Esq; one of the Agents for this Province in *London*, dated *January* the Eleventh, 1766, was laid before the House.

I N Compliance with the Direction in the Committee's Letter, I have procured, and now send you inclosed, authentic Office Copies of the Representation of the Board of Trade, dated *September* the Eighth, 1709, upon our Acts of 1705, referred to them; and of the Order of Council, *October* the Twenty-fourth, 1709, upon that Representation. By these it appears, that our Act for regulating Elections, &c. which includes and confirms the principal Privileges of the Proprietary Charter, was duly laid before the Council, with the other Acts passed the same Session;—that they were, on the Twenty-eighth of *April*, 1709, referred by the Council to the Board of Trade;—that that Board reported upon them *September* the Eighth, proposing six of them as proper to be disallowed, and declaring that they had *no Objection* to any of the others, of which they give the Titles. Then the Order of Council shews, that no more were repealed by Her Majesty than were proposed for Her Disallowance by the Board of Trade: And this Order being on the Twenty-fourth of *October*, was within Four Days of the Expiration of the Six Months, after which all stand confirmed that were not before repealed. I suppose these Papers will be quite satisfactory on that Head.

To the QUEEN'S Most Excellent MAJESTY.

May it please Your MAJESTY,

I N Obedience to Your Majesty's Order in Council, of the Twenty-eighth of *April* last, referring to our Examination a Collection of Laws passed in *Pennsylvania*, in One Thousand Seven Hundred and Five, by *John Evans*, Esquire, Lieutenant-Governor of that Province, we have considered the same, and having had the Opinion of Your Majesty's Attorney-General upon several of them, in Point of Law, we humbly take Leave to represent to Your Majesty, that there are some of the said Acts which are unfit to be continued in Force, the Titles whereof are as follow, *viz.*

An Act against riotous Sports, Plays and Games.

Upon this we humbly take Leave to observe, that Your Majesty was pleased, by Your Order in Council, of the Seventh of *February*, 1705-6, for the Reasons we then laid before Your Majesty, to repeal several Laws of *Pennsylvania*, amongst which was one with the same Title and Contents with this before mentioned, which is liable to the same Objection as the former, *viz.* That it restrains Your Majesty's Subjects from innocent Sports and Diversions; and therefore we humbly offer, that Your Majesty be pleased to repeal the same; however, if the Assembly of *Pennsylvania* shall pass an Act for preventing of riotous Sports, and for restraining such as are contrary to the Laws of this Kingdom, we shall have no Objection thereto, so it contain nothing else.

An Act limiting the Presentments of the Grand Jury.

Which is liable to the same Objection as one repealed at the same Time as the foregoing; for by this Law all Indictments for Trespas are taken off where there is Remedy for the Party injured before the Justices, which is unreasonable; for that in many Cases there may be Presentments for the Crown, as well as at the Suit of the Party for his Damages; for which Reason we humbly offer that the said Act be repealed.

An Act for the further securing the Administration of the Government of this Province.

Which enacts that, upon the Death or Absence of the Governor (and in the Absence of the Governor in Chief) the President, with Five Members of the Council, may take upon them the Government of that Province, with as full Power and Authority as any Lieutenant-Governor; by which Means Your Majesty's Approbation of a Lieutenant-Governor may be eluded, at least so long as the Proprietor shall think fit to continue the Government in the Hands of the President and Council; and therefore we are humbly of Opinion that this Act likewise be repealed.

An

An Act for the acknowledging and recording of Deeds.

By a Clause in this Act it is provided, that no Woman shall recover her Dower or Thirds of any Lands or Tenements which have been sold, aliened or conveyed by her Husband, during her Coverture, although she be no Party to the Deed, nor any Ways consenting to the Sale or Assurance of such Lands or Tenements, which we think unreasonable, and repugnant to the Laws of this Kingdom, and therefore humbly offer the same to be repealed.

An Act directing the Qualification of Magistrates and Officers, as also the Manner of giving Evidence.

The Objections to this Law are such, that it is not fit for Your Majesty's Royal Approbation; for it allows a Deposition in Writing of a Person sick, or going out of that Province, to be good Evidence, which Sort of Evidence being seldom allowed in Your Majesty's Courts of Justice within this Kingdom, even in Civil Matters, nor even then, without obtaining a much more solemn and safe Method for allowing the same than what is laid down and directed by this Act; but such Paper Evidence having, with great Reason, always been disallowed in criminal Proceedings, because of the known Benefit of cross-examining a Witness; besides, as this Act is drawn, any Person that is willing to take an Oath in a Court of Judicature is not allowed to do it, if there be only *Quakers* upon the Bench; and if there be others not *Quakers* on the Bench, then the Law declares the administering of an Oath to be the Act of the Person so administering, and not of the Court; for which Reasons, we humbly offer that Your Majesty be pleased to repeal the said Law.

An Act for the better proportioning the Rates of Money in Payment made upon Contracts, according to the former Regulations.

An Act of Parliament having been passed here, in the Sixth Year of Your Majesty's Reign, intituled, "*An Act for ascertaining the Rates of foreign Coins in Her Majesty's Plantations in America,*" we humbly offer that the foregoing *Pennsylvania* Act be repealed.

As to the other of the *Pennsylvania* Laws referred to us, the Titles whereof are hereunto annexed, we have no Objection against the same; so that in case Your Majesty do not see Cause, within Six Months from their having been presented to Your Majesty in Council, which was on the Twenty-eighth of *April* last, to repeal any of them, they will remain in full Force, pursuant to the Charter of Propriety granted to Mr. *Penn*.

Upon this Occasion, we humbly take Leave to represent to Your Majesty, that by the said Charter Mr. *Penn* is impowered, with the Advice of the Freemen of that Province, or their Delegates in General Assembly, to enact Laws for the Good of the said Province, under a proviso, that such Laws be not repugnant or contrary to, but, so far as conveniently may be, agreeable to the Laws of this Kingdom; as also, that a Transcript of such Laws be, within Five Years after the making thereof, delivered to Your Majesty's Privy Council; and that if any of the said Laws, within the Space of Six Months after they shall be so delivered as aforesaid, be declared by Your Majesty to be void, the said Laws shall thenceforth become null and void accordingly, otherwise to remain in full Force. This we think to be unreasonable, that Mr. *Penn* should have Five Years Time to lay his Laws before Your Majesty, and Your Majesty but Six Months to consider thereof; for it may so happen, as in the present Case, that so great a Number of Laws may at one Time be transmitted, as that it will be difficult, if not impossible, considering the other Business that may intervene, to examine the same as they ought to be.

We further take Leave to observe, that in none of the Acts of this Province there is any Clause for renouncing the Pretender, or declaring their Allegiance to Your Majesty; and therefore we humbly offer, that Your Majesty be pleased to signify Your Pleasure to Mr. *Penn*, that he endeavour to get a Law passed for that Purpose. All which is most humbly submitted.

White-Hall, September 8, 1709.

DARTMOUTH, PH. MEADOWS,
J. SMITH, J. PULTENEY.

L A W S of *Pennsylvania*, against which the Lords Commissioners of Trade and Plantations have no Objections.

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| <ol style="list-style-type: none"> 1. The Law concerning Liberty of Conscience. 2. An Act against Murder and Manslaughter. 3. An Act against Burglary. 4. An Act against Robbing and Stealing. 5. An Act to restrain People from Labour on the first Day of the Week. 6. An Act against Rape or Ravishment. 7. An Act against Incest. 8. An Act against Adultery and Fornication. 9. An Act against Bigamy. 10. An Act against Sodomy and Buggery. 11. An Act against burning Houses. 12. An Act against Drunkenness, and drinking of Healths. | <ol style="list-style-type: none"> 13. An Act against Riots and Rioters. 14. An Act for determining of Debts under <i>Forty Shillings</i>. 15. An Act for the better Confirmation of the Owners of Lands, and Inhabitants of this Province, in their just Rights and Possessions. 16. An Act concerning the Probates of written and nuncupative Wills, and for confirming Devises of Land. 17. An Act directing the Order of Payment of Debts of Persons deceased. 18. An Act for the better settling of Intestates Estates. 19. An Act to ascertain the Number of Members of Assembly, and to regulate the Elections. 20. An |
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| <p>20. An Act for selling Beer and Ale by Wine Measure.</p> <p>21. An Act for the more easy and effectual collecting of the Proprietor's Quit-rents.</p> <p>22. An Act about Departers out of this Province.</p> <p>23. An Act for the better improving a good Correspondence with the <i>Indians</i>. <i>Expired</i>.</p> <p>24. An Act about Attachments.</p> <p>25. An Act for the Trial of Negroes.</p> <p>26. An Act to prevent the Importation of <i>Indian</i> Slaves.</p> <p>27. An Act for the Killing of Wolves.</p> <p>28. The Law about Seven Years quiet Possession.</p> <p>29. An Act against mixing and adulterating strong Liquors.</p> <p>30. An Act for Mariners not to be trusted.</p> <p>31. An Act for County Seals, and against counterfeiting Hands and Seals.</p> <p>32. An Act for Defalcation.</p> <p>33. An Act for bailing of Prisoners, and about Imprisonment.</p> <p>34. An Act for taking Lands in Execution for Payment of Debts.</p> <p>35. An Act about Arrests, and making Debtors pay by Servitude.</p> | <p>36. An Act for the Relief of the Poor.</p> <p>37. An Act for confirming the Sales of Lands by Attornies or Agents, and for ascertaining the Proof of Instruments or Writings made out of this Province.</p> <p>38. An additional Act for the better preserving the Highways.</p> <p>39. A Supplementary Act to that about raising County Levies.</p> <p>40. An Act to prevent the Running of Swine at large.</p> <p>41. An Act for collecting the Arrears of <i>Two Thousand Pounds</i>, granted to the Proprietary.</p> <p>42. An Act for regulating Elections of Sheriffs and Coroners.</p> <p>43. An Act for selling the old Court-House, and building a new Court-House and Prison, in the County of <i>Bucks</i>.</p> <p>44. An Act for raising a Supply of <i>Twopence Halfpenny per Pound</i>, and <i>Ten Shillings per Head</i>, also for granting an Impost, and laying an Excise on sundry Liquors, and Negroes imported into this Province, for the Support of Government, and defraying the necessary public Charges in the Administration thereof. <i>Expired</i>.</p> |
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I DO hereby certify, that the foregoing is a true Copy, taken from the Entry upon Record in the Office of the Lords Commissioners for Trade and Plantations.

JOHN POWNALL, Secretary.

Office of Trade and Plantations, *January 11, 1766.*

O R D E R I N C O U N C I L.

At the COURT at WINDSOR, the Twenty-fourth of *October*, 1709.

P R E S E N T,

The QUEEN's Most Excellent MAJESTY in COUNCIL.

A Representation from the Lords Commissioners of Trade and Plantations, dated the 8th Day of *September* last, upon divers Laws transmitted from *Pennsylvania*, having been this Day read at the Board, Her Majesty in Council approving thereof, and having thereupon declared Her Disallowance of the several Acts therein proposed to be repealed; Her Majesty is further pleased to order, that it be recommended to Mr. *Penn*, Proprietary of Her Majesty's Province of *Pennsylvania*, by the Lords Commissioners of Trade and Plantations, to cause all such Laws as shall hereafter be passed in the Assembly of that Province to be transmitted, and presented for Her Majesty's Approbation or Disallowance in Council, as soon as conveniently may be after the same shall have been passed there; and to endeavour to get a Law passed in the Assembly there for renouncing the Pretender, and declaring the Allegiance of the Inhabitants to Her Majesty; as also that Notice be given to Mr. *Penn*, or his Agent, by the said Lords Commissioners, that in case the Assembly of *Pennsylvania* shall think fit to re-enact the Law now disallowed by Her Majesty, intituled, "*An Act for the further securing the Administration of the Government of this Province*," with a Proviso, that on the Death or Absence of the Lieutenant-Governor, the Proprietary do nominate another, and obtain Her Majesty's Approbation within Six Months after such Death or Absence, Her Majesty will be graciously inclined to approve of the said Act; and Her Majesty taking Notice, upon this Occasion, that divers Acts transmitted from the Plantations have been disallowed by Her Majesty, by Reason of some Clause or Clauses therein, which have not been thought fit for Her Majesty's Approbation, and the other Parts of the said Acts have appeared good and profitable for the Welfare of Her Majesty's Subjects there, Her Majesty is pleased to order, that where any such Acts shall be disallowed by Her Majesty, on the Representation from the Lords Commissioners for Trade and Plantations, Notice be given to the respective Governments, or their Agents, by the said Lords Commissioners, of the Reasons for repealing the said Acts, to the End that, upon re-enacting the same, the Assembly may form them accordingly.

JOHN POVEY.

I DO hereby certify, that the foregoing is a true Copy, taken from the Entry upon Record in the Office of the Lords Commissioners for Trade and Plantations.

JOHN POWNALL, Secretary.

Office of Trade and Plantations, *January 11, 1766.*

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